



Community Development Department

**BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
July 26, 2017**

Tom Baker Meeting Room

5:00 p.m.

City-County Office Building

Item No.

Page No.

MINUTES

1. Consider approval of the minutes of the June 28, 2017 meeting of the Bismarck Planning & Zoning Commission.

**CONSENT AGENDA
CONSIDERATION**

The following items are requests for a public hearing.

2. **Lots 16-20, Block 4, South Meadows Addition (to be replatted as South Meadows Addition Second Replat)(DN)**
Zoning Change (RM30 to R10) | ZC2017-014..... 1

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
3. **HR Subdivision (WH) 5**
Hay Creek Township
 - Zoning Change (A and RR to RR) | ZC2017-015
Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
 - Preliminary Plat | PPLT2017-005
Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny
4. **Sections 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District) and 14-04-01.1 (RR5 Residential District) and 14-04-17 (A Agricultural District) Relating to Accessory Buildings (Klee)**
Zoning Ordinance Text Amendment | ZOTA2017-009..... 11

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny



REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission

- 5. Lot 10, Block 1, Barbie's Neighborhood Subdivision (DN)**
 Rural Residential Lot Split | RRLS2017-003 19

Apple Creek Township

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny ☐
- 6. Tract 205 of Section 2, T138N-R80W/City Lands (JW)**
 Zoning Change (P to MA) | ZC2017-009 25

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny ☐
- 7. Lots 1-6, Block 81 and all of Block 88 and all of the vacated Avenue F adjacent to Blocks 81 and 88, Monson's Subdivision and Lots 9-24, Block 81, McKenzie and Coffin's Addition (St. Mary's High School Property) (JW)**
 Zoning Change (RT and RM to Conditional RT) | ZC2017-011 29

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny ☐
- 8. Lot 2, Block 2, Wachter's 17th Addition and Lot 1, Block 1, Wachter's 18th Addition (Klee)**
 Zoning Change (MA to CG) | ZC2017-012 35

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny ☐
- 9. Lot 6, Block 3, Sleepy Hollow Heights 2nd Addition and Lot 9, Block 4, Sleepy Hollow Heights 5th Addition, and Lot 1, Block 1, Sleepy Hollow Heights 2nd Addition and Lot 8 and Auditor's Lot A of Lot 10, Block 4, Sleepy Hollow Heights 5th Addition (JW)**
 Zoning Change (R5 and R10 to R10) | ZC2017-013..... 39

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny ☐
- 10. Lot 2B of Lot 2, Block 1, Sunrise Town Centre (AS)**
 Special Use Permit (Drive-Through) | SUP2017-009 43

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny ☐
- 11. Lot 2, Block 3, Harvest Grove Third Subdivision (WH)**
 Special Use Permit (Accessory Building) | SUP2017-010 51

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny ☐
- 12. Sections 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District) and 14.04-01.1 (RR5 Residential District) Relating to the Keeping of Chickens (WH)**
 Zoning Ordinance Text Amendment | ZOTA2017-005..... 57

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny ☐

13. **Sections 14-03-08 (Special Uses) and 14-04-08 (RT Residential District)
Relating to Drive-in/Drive-through Retail or Service Establishments (Klee)**
Zoning Ordinance Text Amendment | ZOTA2017-006..... 67

Staff recommendation: approve

☐ *approve*

☐ *continue*

☐ *table*

☐ *deny*

OTHER BUSINESS

14. **Other**

ADJOURNMENT

15. **Adjourn.** The next regular meeting date is scheduled for **August 23, 2017.**

Enclosures: Meeting Minutes of June 28, 2017
Building Permit Activity Month to Date Report for June 2017
Building Permit Activity Year to Date Report for June 2017



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 2

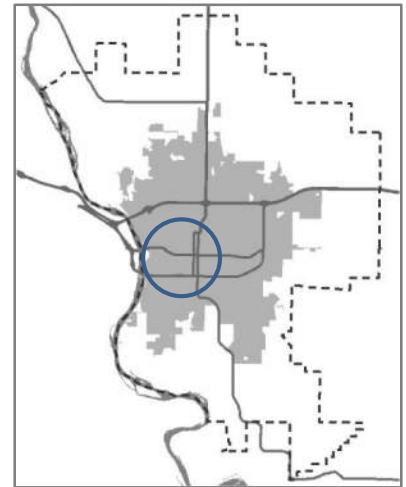
July 26, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-014

Project Summary

<i>Title:</i>	Lots 16-20, Block 4, South Meadows Addition (to be replatted as South Meadows Addition 2 nd Replat)
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	Investcore, Inc.
<i>Project Contact:</i>	Jim Cooper, RLS, Moore Engineering
<i>Location:</i>	In south Bismarck, south of West Burleigh Avenue and on the west side of South Washington Street.
<i>Project Size:</i>	4.93 acres
<i>Request:</i>	Rezone property to the allow the development of seven two-family dwellings, with four additional lots available for development. The zoning change will be accompanied by a replat of the entire area.



Site Information

Existing Conditions

<i>Number of Lots:</i>	5 lots in 1 block
<i>Land Use:</i>	Undeveloped
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	RM15 – Residential
<i>Uses Allowed:</i>	RM15 – Multi-family residential
<i>Max Density Allowed:</i>	RM15 – 15 units / acre

Proposed Conditions

<i>Number of Lots:</i>	19 lots in 1 block
<i>Land Use:</i>	Two-Family Homes
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R10 – Residential
<i>Uses Allowed:</i>	R10 – Single and two-family residential
<i>Max Density Allowed:</i>	R10 – 10 units / acre

Property History

<i>Zoned:</i>	RM15: 08/2016 R10: 09/2014 (Lots 16-19) RM15: 09/2014 (Lot 20)	<i>Platted:</i>	10/2014	<i>Annexed:</i>	10/2014
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Staff Analysis

The applicant is requesting a zoning change from the RM15 – Residential zoning district to the R10 – Residential zoning district to allow the development of seven two-family dwellings, with an additional four lots available for development.

Adjacent land uses include undeveloped land platted for two-family residential development to the north, undeveloped land to the west, and an electrical substation to the south, and rural residential dwellings to the southeast.

The zoning change is proposed in conjunction with a minor subdivision final plat which, if approved, would replat the entire area of Lots 16-20, Block 4, South Meadows Addition into South Meadows Addition Second Replat.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing on the zoning change for Lots 16-20, Block 4, South Meadows Addition, to be replatted as South Meadows Addition Second Replat, From the RM15 – Residential zoning district to the R10 – Residential zoning district.

Attachments

1. Location Map
2. Zoning and Plan Reference Map

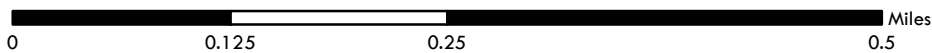
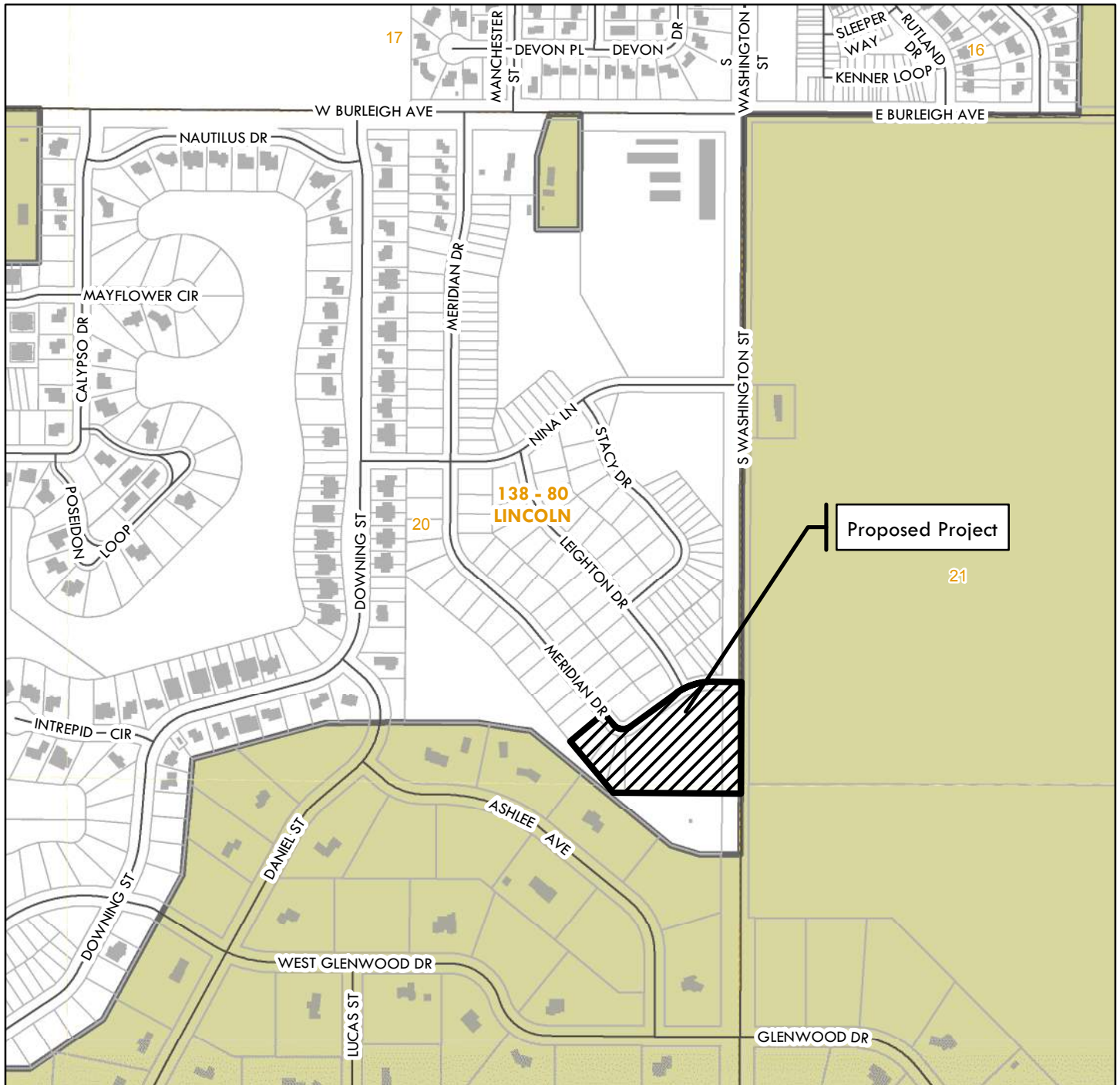
Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov



Proposed Minor Plat and Zoning Change (RM15 to R10)

South Meadows Addition Second Replat

Project
Location Map

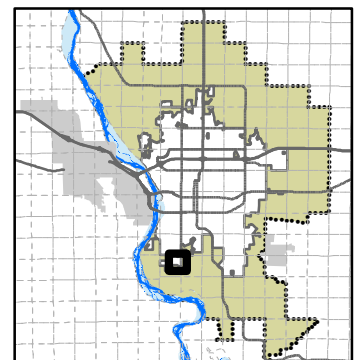


City Limits



Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
July 18, 2017 (HLB)



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Proposed Zoning Change (RM15 to R10)

South Meadows Addition Second Replat

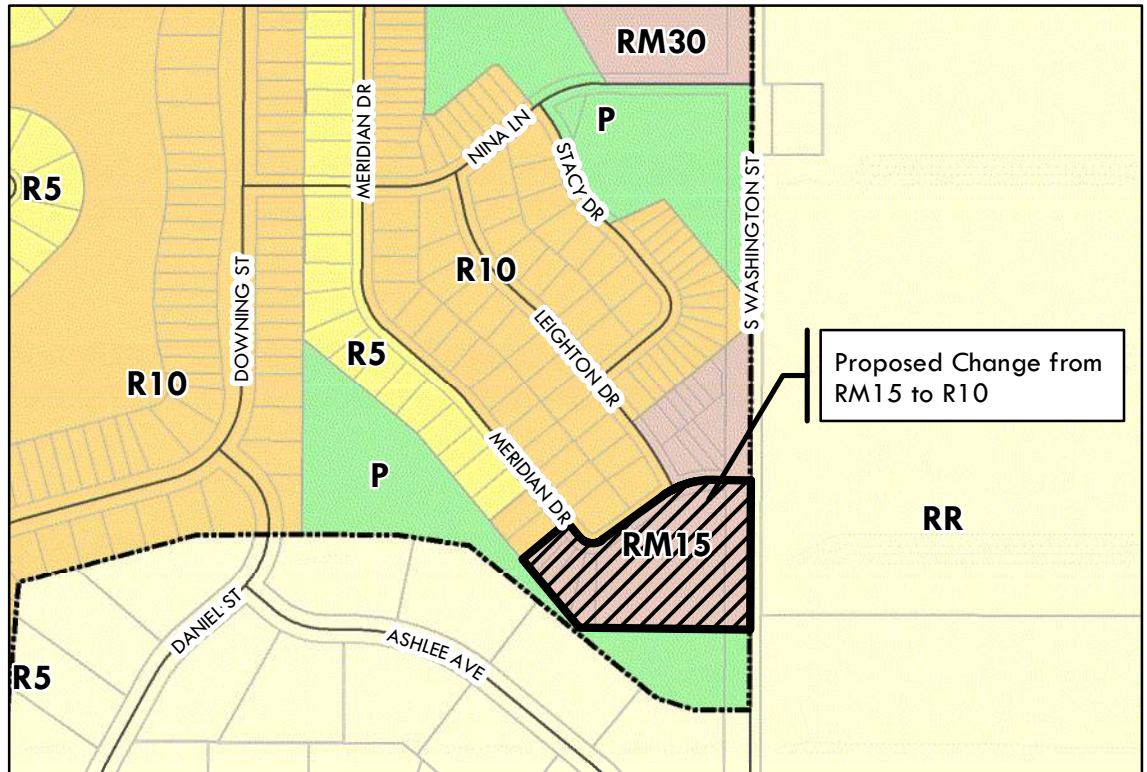
Zoning and Plan
Reference Map

-  Project Area - No Change Proposed
-  Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

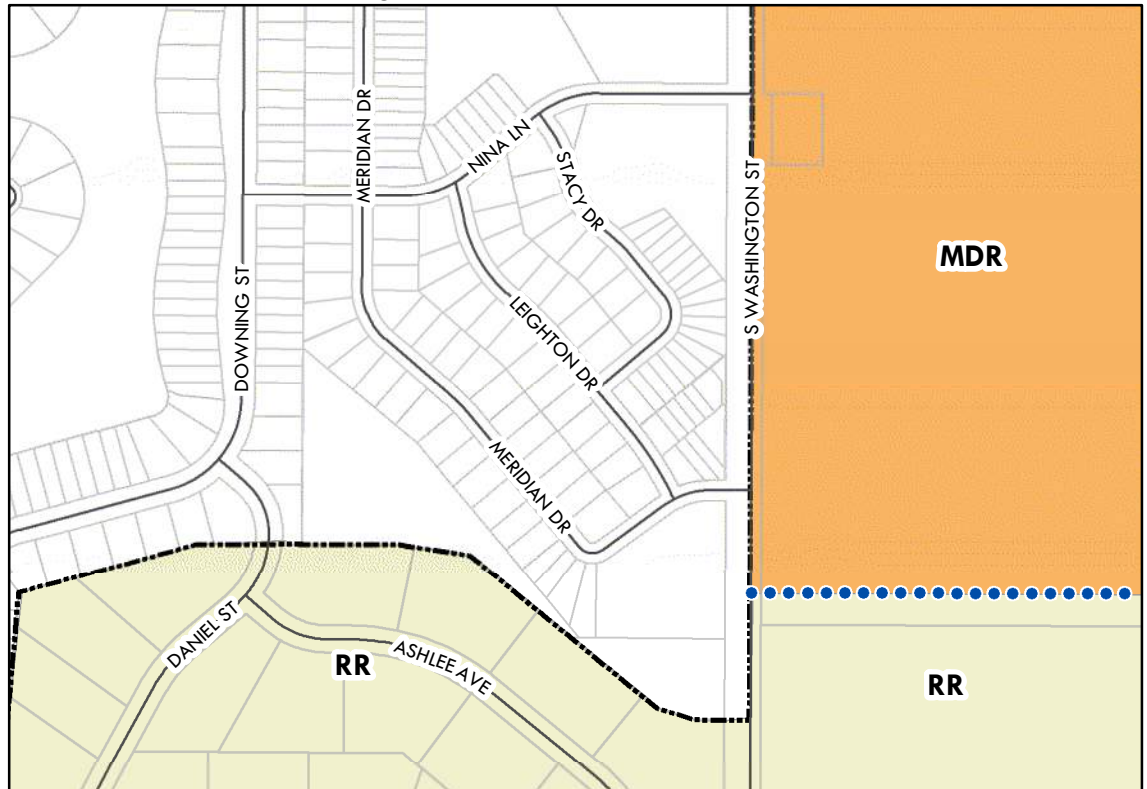
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector

0 0.075 0.15 0.3 Miles

 City Limits

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City of Bismarck
Community Development Dept.
Planning Division
July 18, 2017



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 3

July 26, 2017

Application for: Zoning Change

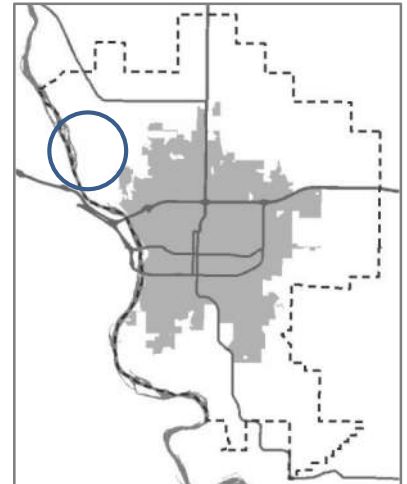
Major Subdivision Preliminary Plat

TRAKiT Project ID: ZC2017-015

PPLT2017-005

Project Summary

<i>Title:</i>	HR Subdivision
<i>Status:</i>	Planning & Zoning Commission – Consideration / Tentative Approval
<i>Owner(s):</i>	Allyn Hanson Revocable Trust & Marlys Ward
<i>Project Contact:</i>	Landon Neimiller, Swenson, Hagen & Company
<i>Location:</i>	Northwest of Bismarck, west of River Road, south of Burnt Creek Loop along the west side of Fernwood Drive. (Auditor's Lot M, NE ¼ and Auditor's Lot L of Lot 4 Hanson Subdivision, of the NE ¼ of Section 14, Township 139 North, Range 81 West)
<i>Project Size:</i>	2.29 acres
<i>Request:</i>	Rezone and plat property to create one rural residential lot



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	2 lots	<i>Number of Lots:</i>	1 lot
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Rural Residential
<i>Designated GMP</i>	Conventional Rural Residential	<i>Designated GMP</i>	Conventional Rural Residential
<i>Future Land Use:</i>		<i>Future Land Use:</i>	
<i>Zoning:</i>	RR – Residential A – Agricultural	<i>Zoning:</i>	RR – Residential
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture A – Agriculture	<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture
<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet A – 1 unit / 40 acres	<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet

Property History

<i>Zoned:</i>	RR – 09/04 A – 09/04	<i>Platted:</i>	Hanson Subdivision – 6/1992	<i>Annexed:</i>	N/A
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(continued)

Staff Analysis

This proposed request includes both a platted parcel which is zoned RR - Residential and an unplatted parcel which is zoned A - Agricultural. As proposed, both lots would be platted as a one lot, one block subdivision and zoned RR – Residential, which would allow for the development of one single-family rural residence.

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies this area as Rural Residential. The rural residential classification allows for single-family dwellings and requires densities of less than one unit per acre. The resulting one lot in the proposed HR Subdivision would meet all minimum lot standards and conform to the density requirements for the RR – Residential district. Adjacent land uses include rural dwellings to the east across Fernwood Drive and agriculture uses to the south, west and north.

The proposed plat is consistent with the Fringe Area Road Master Plan (FARMP) which identifies Fernwood Drive as an existing collector. The proposed 40 feet of right-of-way from the centerline of Fernwood Drive is consistent with design standards for areas outside of the City of Bismarck corporate limits. A waiver from Burleigh County's Gravel Road Improvement Policy was granted at the May 1, 2017 meeting of the Burleigh County Commission.

The property is located within two miles of the corporate limits and a five-year rural water service agreement will be required in conjunction with the final recorded plat.

The entire proposed subdivision is located within the Special Flood Hazard Area (SFHA) or 100-year floodplain. Development of the site, including construction of the proposed single-family rural residential dwelling, must comply with Section 14-03-09 of the City Code of Ordinances (FP – Floodplain District). A floodplain development application must be submitted to the Building Inspections Division and approved by the Floodplain Administrator before any land disturbing activity begins within the SFHA.

Required Findings of Fact (relating to land use)*Zoning Change*

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. Other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The Hay Creek Township Board of Supervisors has recommended approval of the proposed zoning change;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts;

(continued)

4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required;
5. The Hay Creek Township Board of Supervisors has recommended approval of the proposed preliminary plat;
6. Other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
7. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands;
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;

9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the A – Agriculture and RR – Residential zoning districts to the RR – Residential zoning district and tentative approval of the preliminary plat for HR Subdivision.

Attachments

1. Location Map
2. Zoning and Plan Reference Map
3. Preliminary Plat

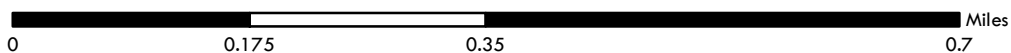
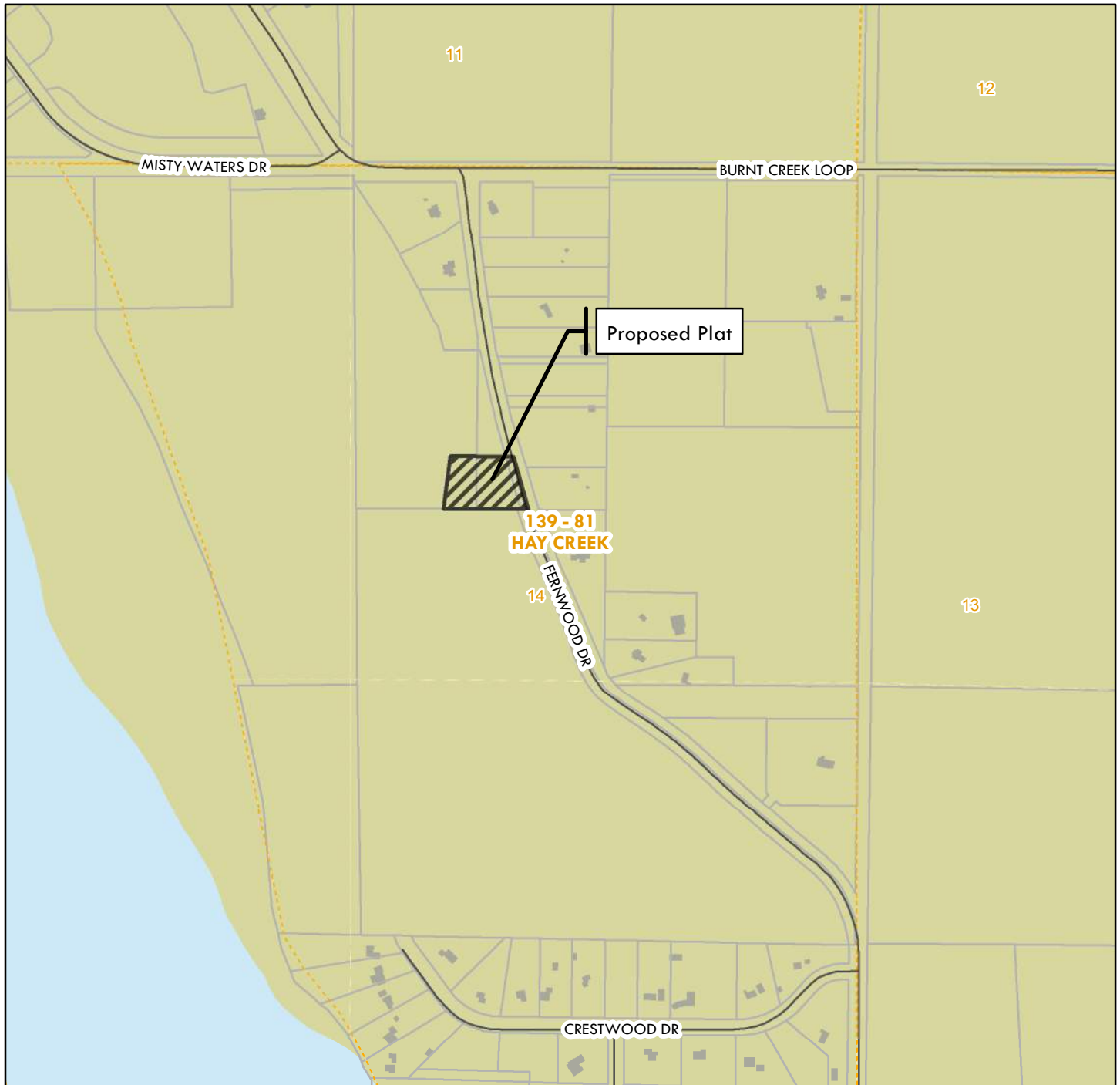
Staff report prepared by: Will Hutchings, Planner

701-355-1850 | whutchings@bismarcknd.gov



Proposed Plat and Zoning Change (A and RR to RR) HR Subdivision

Project
Location Map



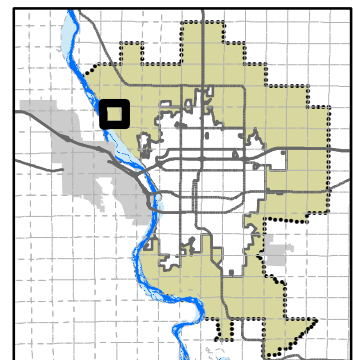
 City Limits  Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
June 26, 2017 (HLB)

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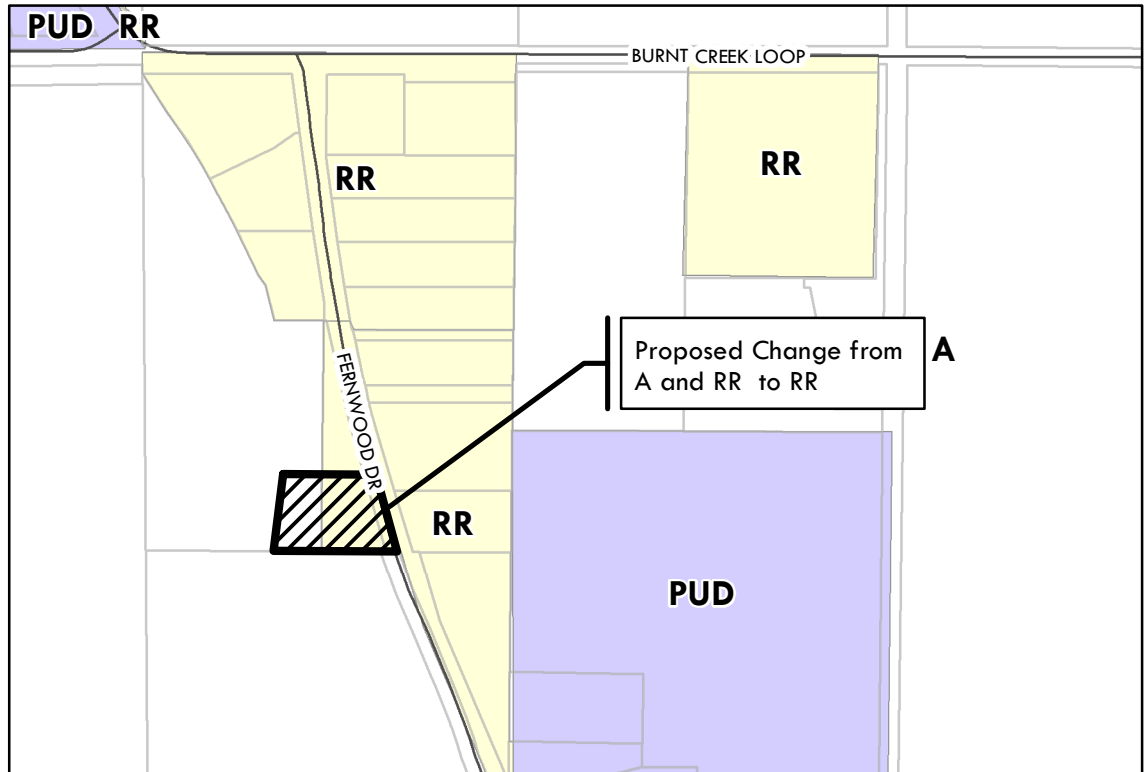


- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
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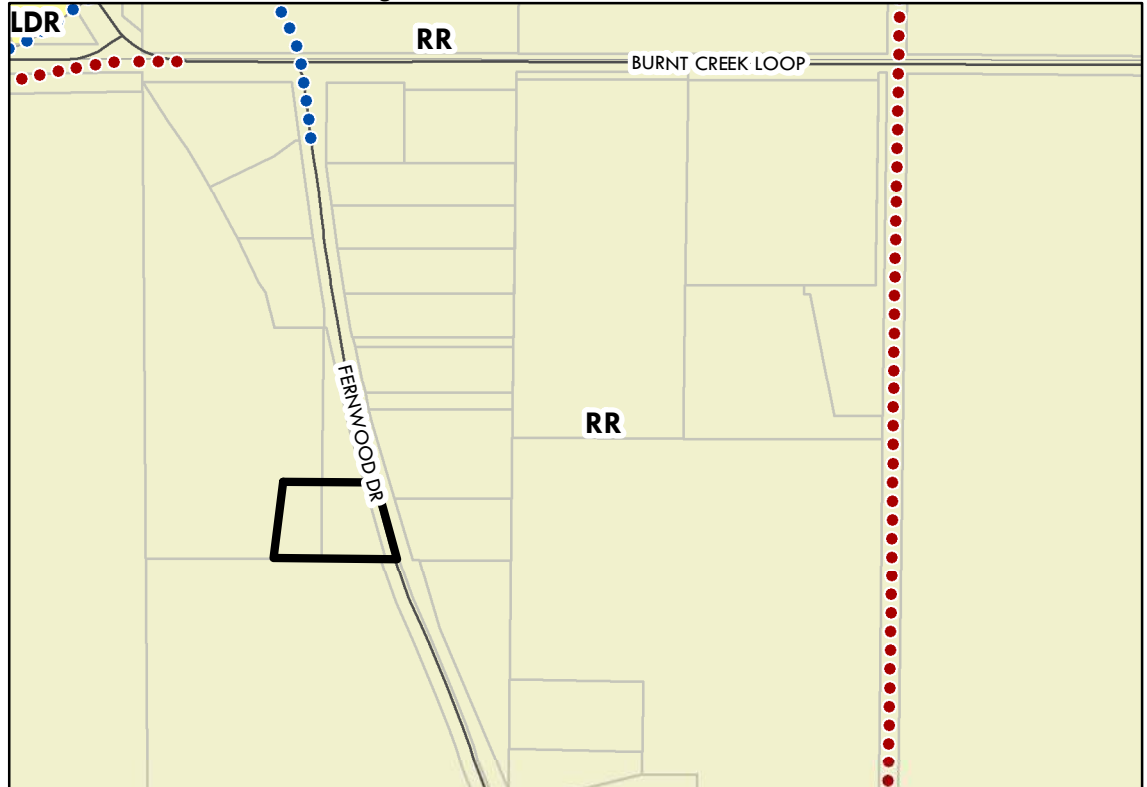
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
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O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

0 0.1 0.2 0.4 Miles

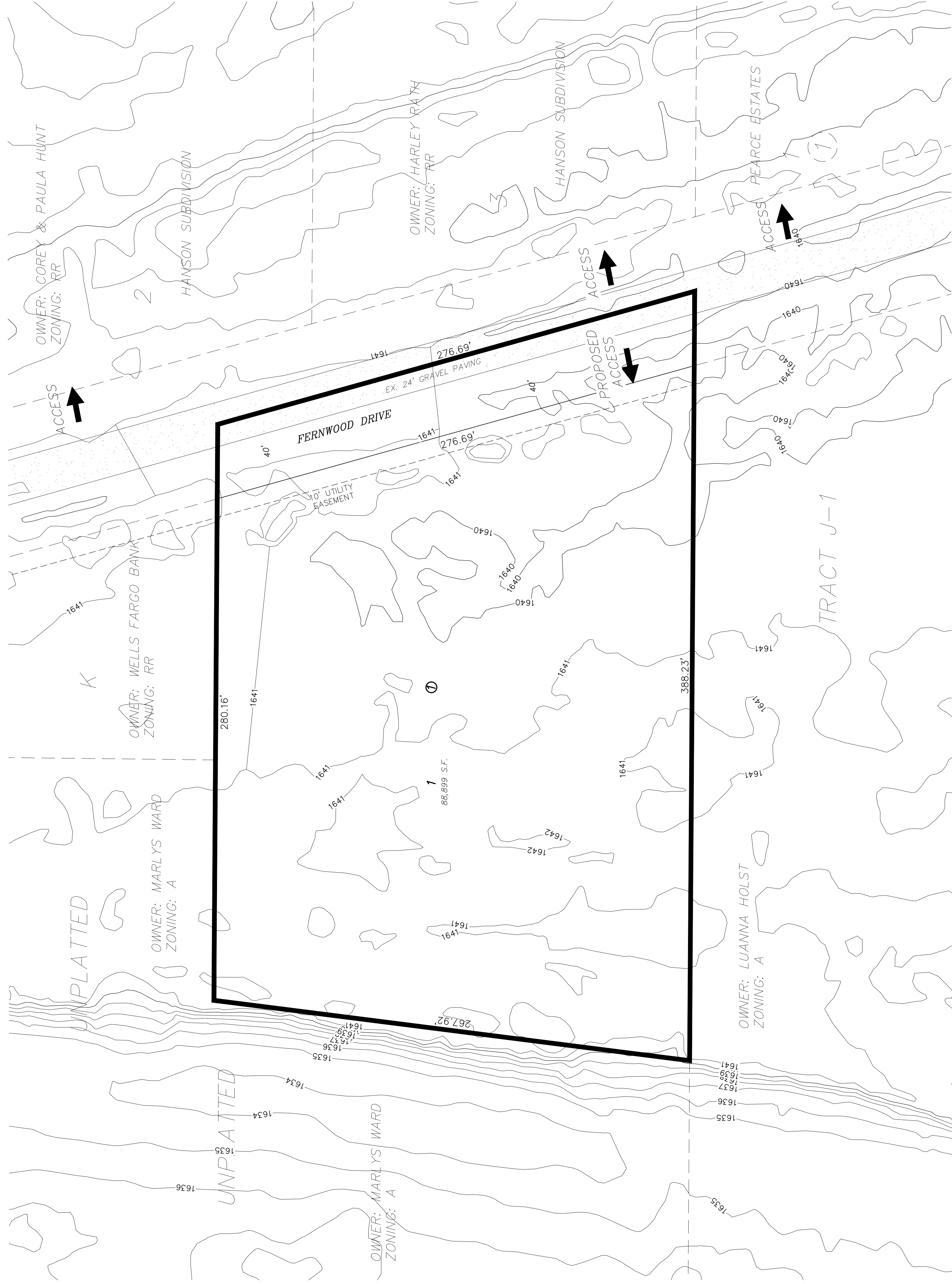
City Limits

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City of Bismarck
Community Development Dept.
Planning Division
July 17, 2017

BEING AUDITOR'S LOTS M OF THE N/E 1/4 AND
AUDITOR'S LOT L OF LOT 4 OF HANSON SUBDIVISION
PART OF THE NE 1/4 OF SECTION 14, TOWNSHIP 139 NORTH, RANGE 81 WEST
BURLEIGH COUNTY, NORTH DAKOTA



2.29 ACRES
EXISTING ZONING: A/RR
1 LOT

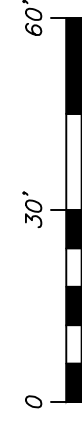
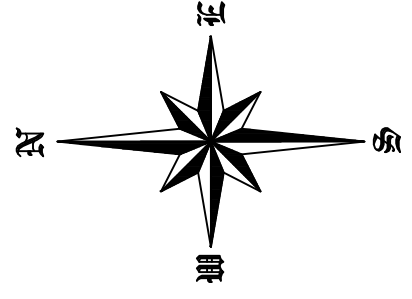
OWNER: WELLS FARGO BANK, N.A. AS TRUSTEE
OF THE ALLYN G. HANSON REVOCABLE
LIVING TRUST

ADDRESS: 400 E. BROADWAY AVE., SUITE 104
BISMARCK, ND 58501

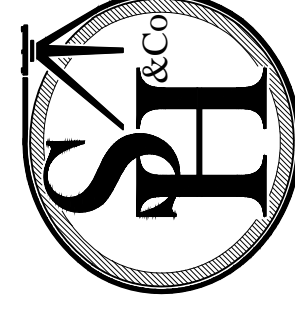
TELEPHONE: (701) 222-5149

OWNER: MARLYS WARD
ADDRESS: 5550 FERNWOOD DR
BISMARCK, ND 58503

**FLOODPLAIN:
FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 38015C0780D
FLOOD PLAIN ELEVATION-1640 (NAVD)
EFFECTIVE 08/04/2014**



SCALE - 1" = 30'
VERTICAL DATUM: NAVD 88
JULY 17, 2017



SWENSON, HAGEN & COMPANY P.C.

909 Basin Avenue
Bismarck, North Dakota 58504
shag@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 4

July 26, 2017

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2017-009

Project Summary

Title:	Accessory Buildings in RR – Residential, RR5 – Residential and A – Agricultural Districts
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Kim L. Lee, AICP, Planning Manager
Sections Amended:	Sections 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District), 14-04-01.1 (RR5 Residential District) and 14-04-17 (A Agricultural District)
Request:	Amend the Zoning Ordinance to increase the maximum wall height for accessory buildings in the RR, RR5 and A zoning districts to 16.5 feet.

Staff Analysis

Over the past few years, there has been a demand for increased wall heights for accessory buildings in the rural zoning districts (RR, RR5 and A). An increased wall height allows a higher clearance to accommodate taller vehicles, such as recreational vehicles. In order to maintain a 14-foot wall height, we have seen residents use scissor trusses to increase the clearance height inside the structure. We have also seen residents build a structure with a greater overhang and bring the soffit back to create the appearance of a 14-foot wall on the outside while maintaining 16 feet of clearance on the inside. With the proposed increase in wall height, the maximum building height will remain at 25 feet, so the impact on adjacent properties should be minimal.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision

that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing on the zoning ordinance text amendment for Sections 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District), 14-04-01.1 (RR5 Residential District) and 14-04-17 (A Agricultural District) of the City Code of Ordinances, as outlined in the attached draft ordinance.

Attachments

1. Draft zoning ordinance text amendment

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-06, 14-04-01, 14-04-01.1 and 14-04-17 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO INCIDENTAL USES, THE RR RESIDENTIAL DISTRICT, THE RR5 RESIDENTIAL DISTRICT, THE A AGRICULTURAL DISTRICT AND ACCESSORY USES AND BUILDINGS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Incidental Uses is hereby amended and re-enacted to read as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

1. Accessory Uses and Buildings.

* * * * *

b. One and two-family residential accessory uses and buildings.

* * * * *

5. All allowable accessory buildings for a single-family rural residence in a rural residential zoning district (RR & RR5) shall be limited to a maximum area of fourteen hundred (1,400) square feet for lots of 40,000 square feet or less; to a maximum area of eighteen

hundred (1,800) square feet for lots between 40,000 square feet and 64,999 square feet; to a maximum area of twenty-four hundred (2,400) square feet for lots over 65,000 square feet, except as provided for herein. The maximum wall height shall be limited to ~~fourteen (14)~~ sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with 40,000 to 64,999 square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, garden sheds, chicken coops, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

6. All allowable accessory buildings for a single-family rural residence in the agricultural zoning district (A) shall be limited to a maximum area of one (1) percent of the total lot area up to a maximum of five thousand (5,000) square feet. The maximum wall height shall be limited to ~~fourteen (14)~~ sixteen and one-half (16.5) feet

and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot in the agricultural zoning district (A) with at least forty (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size, may be increased to a maximum of seventy-five hundred (7,500) square feet ~~and a maximum wall height of sixteen (16) feet~~ provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in the A - Agricultural zoning district with at least eighty (80) acres in area, or two aliquot parts of a corrective section intended to comprise two quarter-quarter sections, provide such aliquot parts are not less than seventy (70) acres in area when combined together, may be increased to a maximum of 15,000 square feet as a special use in accordance with the provisions of Sections 14-03-08 and 14-04-17.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, ~~garden sheds, chicken coops,~~ and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

★ ★ ★ ★ ★

Section 2. Amendment. Section 14-04-01 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RR Residential District is hereby amended and re-enacted to read as follows:

14-04-01. RR Residential District. In any RR residential district, the following regulations shall apply:

* * * * *

10. Accessory Buildings. All allowable accessory buildings for a single-family residence shall be limited to a maximum of fourteen hundred (1,400) square feet for lots of 40,000 square feet or less; to a maximum of eighteen hundred (1,800) square feet for lots between 40,000 square feet and 64,999 square feet; and to a maximum of twenty-four hundred (2,400) square feet for lots over 65,000 square feet, except as provided herein. The maximum wall height shall be limited to ~~fourteen (14)~~ sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot with 40,000 to 64,999 square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, garden sheds, chicken coops, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

* * * * *

Section 3. Amendment. Section 14-04-04.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RR5 Residential District is hereby amended and re-enacted to read as follows:

14-04-01.1. RR5 Residential District. In any RR5 residential district, the following regulations shall apply:

* * * * *

11. Accessory Buildings. All allowable accessory buildings for a single-family rural residence shall be limited to a maximum of thirty-two hundred (3,200) square feet. The maximum wall height shall be limited to ~~fourteen~~ (14) sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, garden sheds, chicken coops, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

* * * * *

Section 4. Amendment. Section 14-04-17 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the A Agricultural District is hereby amended and re-enacted to read as follows:

14-04-17. "A" Agricultural District. In an A agricultural district, the following regulations shall apply:

* * * * *

12. Accessory Buildings. All allowable accessory buildings for a non-farm single-family rural residence shall be limited to a maximum of one (1) percent of the total area of the lot up to a maximum of five thousand (5,000) square feet. The maximum wall height shall be limited to ~~fourteen~~ (14) sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence a lot in the agricultural zoning district (A) with at least forty (40) acres in area, or the aliquot part

of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size, may be increased to a maximum of seventy-five hundred (7,500) square feet ~~and a maximum wall height of sixteen (16) feet~~ provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings to a non-farm single-family residence may be increased to a maximum of fifteen thousand (15,000) square feet in area, provided:

a. The property on which the accessory building(s) is to be located is no less than 80 acres in area, or two aliquot parts of a corrective section intended to comprise two quarter-quarter sections, provided such aliquot parts when combined are not less than seventy (70) acres in area.

b. The property on which the accessory building(s) is to be located is at least two (2) miles from the current corporate limits of Bismarck.

c. A special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

Accessory buildings for the above computations shall include the following buildings: barns, stables, ~~and~~ storage buildings, ~~garden sheds, chicken coops, and attached and~~ detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

* * * * *

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance shall take effect following final passage, adoption and publication.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 5

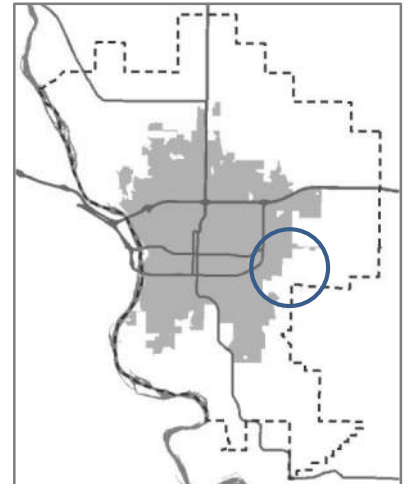
July 26, 2017

Application for: Rural Residential Lot Split

TRAKiT Project ID: RRLS2017-003

Project Summary

Title:	Lot 10, Block 1, Barbie's Neighborhood Subdivision (101 52 nd Street NE)
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Dwight and Paula Kinnischtzke
Project Contact:	Dwight and Paula Kinnischtzke
Location:	East of Bismarck, south of East Main Avenue/County Highway 10 and east of 52nd Street NE.
Project Size:	2.99 Acres
Request:	Split an existing parcel into two parcels for future development.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 Parcel	Number of Lots:	2 Parcels
Land Use:	Rural Residential	Land Use:	Rural Residential
Designated GMP Future Land Use:	Conventional Rural Residential	Designated GMP Future Land Use:	Conventional Rural Residential
Zoning:	RR – Residential	Zoning:	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	Uses Allowed:	RR – Large lot single-family residential and limited agriculture
Max Density Allowed:	RR – 1 unit per 65,000 square feet	Max Density Allowed:	RR – 1 unit per 65,000 square feet

Property History

Zoned:	Pre-1980	Platted:	03/1977	Annexed:	N/A
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Staff Analysis

The applicant is requesting approval of a rural residential lot split to create one additional rural residential lot.

Currently, a single-family rural residential dwelling is located on the south portion of a parcel described as the “the South 363.3 feet of Lot 10, Block 1, Barbie’s Neighborhood Subdivision.” The lot split would divide this parcel in half, roughly along an east-west axis. The northern lot would be available for an additional residence.

Both of the resulting lots would exceed the minimum lot size of 65,000 square feet in the RR – Rural Residential zoning district, and meet all other dimensional requirements of this district.

The applicant would execute the lot split by recording a plat of irregular description (Auditors Plat) for each new parcel. A copy of the proposed plat of irregular description is attached.

As of the writing of this staff report, the Apple Creek Township has been informed of the proposed Rural Residential Lot Split.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a rural residential lot split have been met;
2. The resulting parcels would meet the minimum lot width, depth and area requirements of the zoning district in which it is located;
3. The Apple Creek Township Board of Supervisors has been informed for the proposed lot split;

4. The proposed lot split is compatible with adjacent land uses;
5. The proposed lot split and the resulting parcels would not place an undue burden on existing public services and facilities;
6. The proposed lot split complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
7. The lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed lot split would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the rural residential lot split for the South 363.3 feet of Lot 10, Block 1 Barbie’s Neighborhood Subdivision, with the understanding that the lot split will not be final until the required plats of irregular description are prepared, signed by the County Engineer, and recorded with the Burleigh County Recorder’s Office.

Attachments

1. Location Map
2. Zoning and Plan Reference Map
3. Site Exhibit

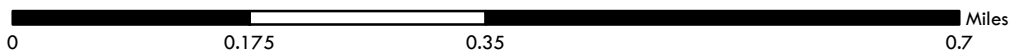
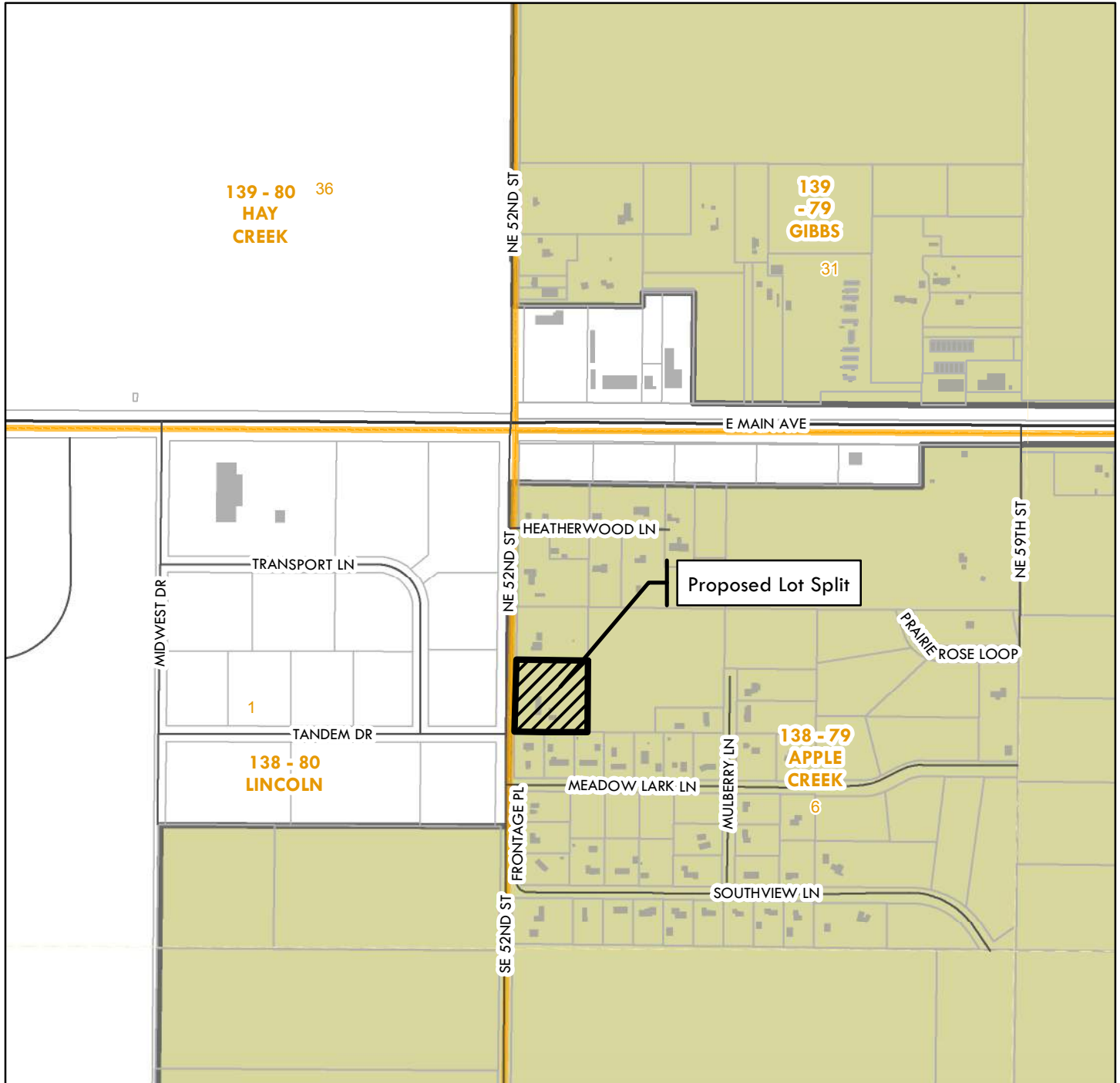
Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov



Proposed Rural Residential Lot Split

South 363.3 feet of Lot 10, Block 1, Barbie's Neighborhood Subdivision

Project
Location Map

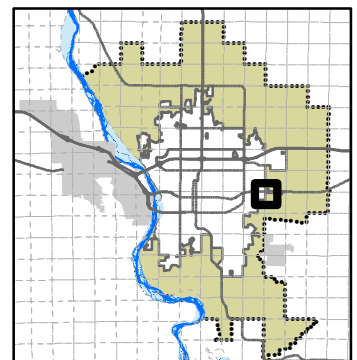


City Limits



Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
July 20, 2017 (HLB)



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Proposed Rural Residential Lot Split

South 363.3 feet of Lot 10, Block 1, Barbie's Neighborhood Subdivision

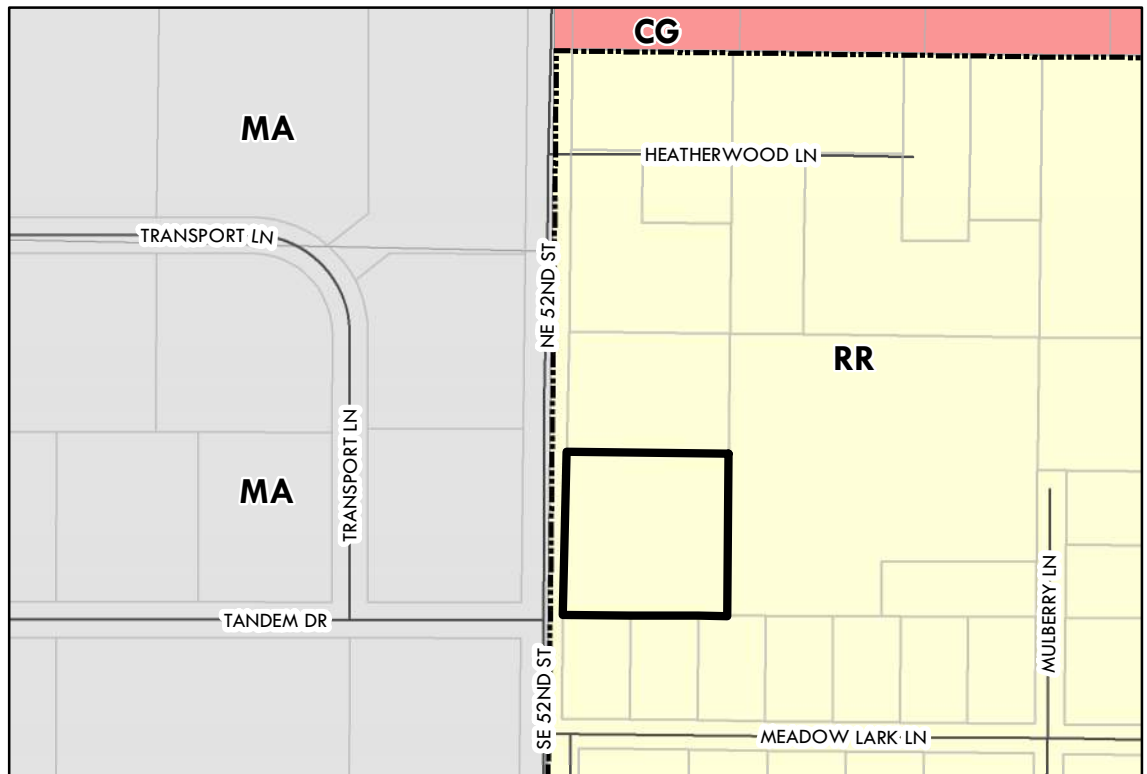
Zoning and Plan
Reference Map

-  Project Area - No Change Proposed
-  Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

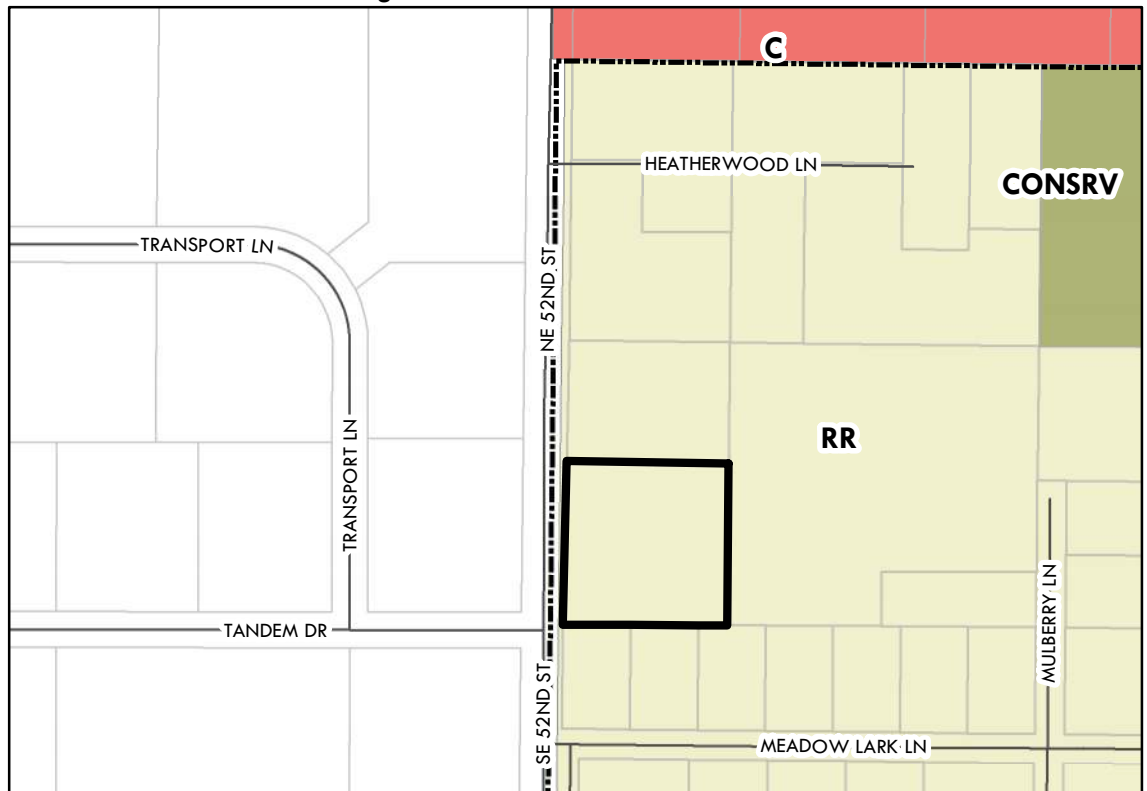
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- ● ● ● Planned Arterial
- ● ● ● Planned Collector

0 0.05 0.1 0.2 Miles

 City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
July 20, 2017

PLAT OF

AUDITOR'S LOT "A" LOT 10 AND AUDITOR'S LOT "B" LOT 10 BARBIE'S NEIGHBORHOOD SUBDIVISION
(Parcel ID: 39-138-79-15-00-100) The South 363.3 feet of Lot 10 in Part of NW $\frac{1}{4}$ Section 6,
T138N. R79W. of the 5th P.M. Burleigh County, North Dakota

LEGEND

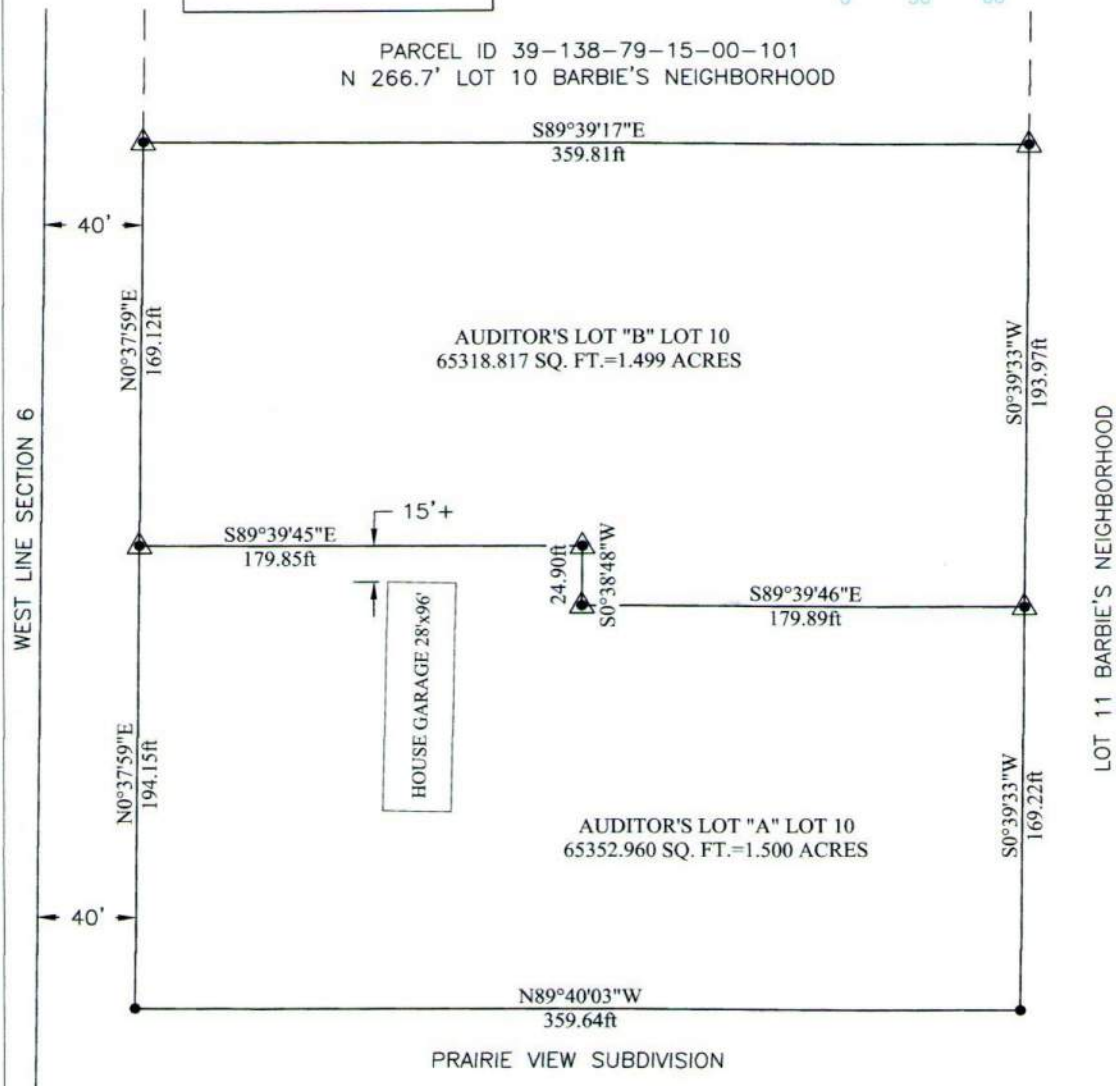
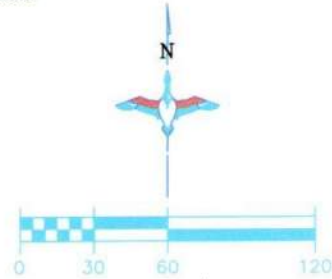
SET #5 REBAR
W/ALUM CAP
#2356



EXISTING 1" OD
IRON PIPE



DATE OF SURVEY
MAY 31, 2017



NOTE 1: Basis for Bearings are derived from ND SPC South Zone 3302 International Feet NAD 83 CONUS using a VRS GPS surveying system.

NOTE 2: THE LOTS SHOWN ON THIS PLAT ARE SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR RESERVATIONS, EITHER EXISTING OR OF RECORD.

Surveyor Statement

I, Gregory L. Johnson a licensed and registered Professional Land Surveyor in North Dakota LS-2356 do hereby state that these Auditor's Lots "A" Lot 10 and "B" Lot 10 were created and surveyed by me at the request of Dwight and Paula Kinnischtzke and made the within foregoing plat and descriptions of the land as herein described and the distances and locations as shown on this plat are correct to the best of my knowledge and belief.

Gregory L. Johnson RPLS #2356 North Dakota

GREGORY L. JOHNSON
SURVEYING



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 6

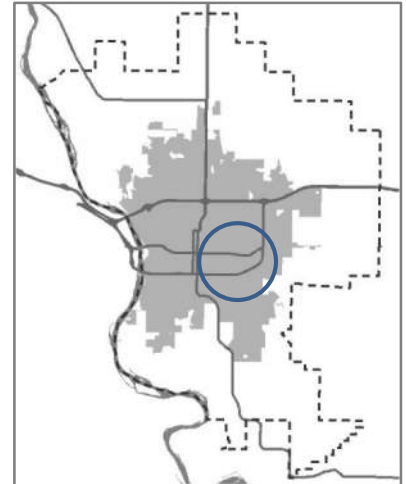
July 26, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-009

Project Summary

Title:	Tract 205 of the NW ¹ / ₄ of Section 2, T138N-R80W City Lands
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Wade French
Project Contact:	Kent Orvik, RLS, KLJ
Location:	In east Bismarck, between East Main Avenue and the BNSF rail line, along the east side of South 26 th Street.
Project Size:	32,060 square feet
Request:	Rezone property to allow for the combination of the property with the property to the south for future development.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	Number of Lots:	1 parcel
Land Use:	Undeveloped	Land Use:	Light industrial/general commercial
Designated GMP	Already zoned. Not in Future Land Use Plan	Designated GMP	Already zoned. Not in Future Land Use Plan
Future Land Use:		Future Land Use:	
Zoning:	P – Public Use	Zoning:	MA – Industrial
Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses	Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density Allowed:	P – N/A	Max Density Allowed:	MA – N/A

Property History

Zoned:	Pre-1980	Platted:	N/A	Annexed:	Pre-1980
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Staff Analysis

The Planning and Zoning Commission met on June 28, 2017, and voted to schedule a public hearing for the proposed zoning change.

The applicant is requesting a zoning change from the P – Public zoning district to the MA – Industrial zoning district for Tract 205 in order to combine the tract with the property to the south, Tract 207, for future

(continued)

development. Tract 207 was zoned MA – Industrial in August of 2015.

Adjacent land uses include, state offices to the north (ND Department of Health) and east, retail and service uses zoned MA – Industrial to the south, and industrial uses to the west.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;

5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

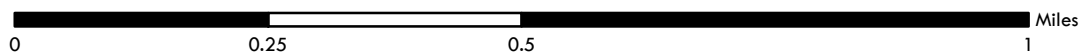
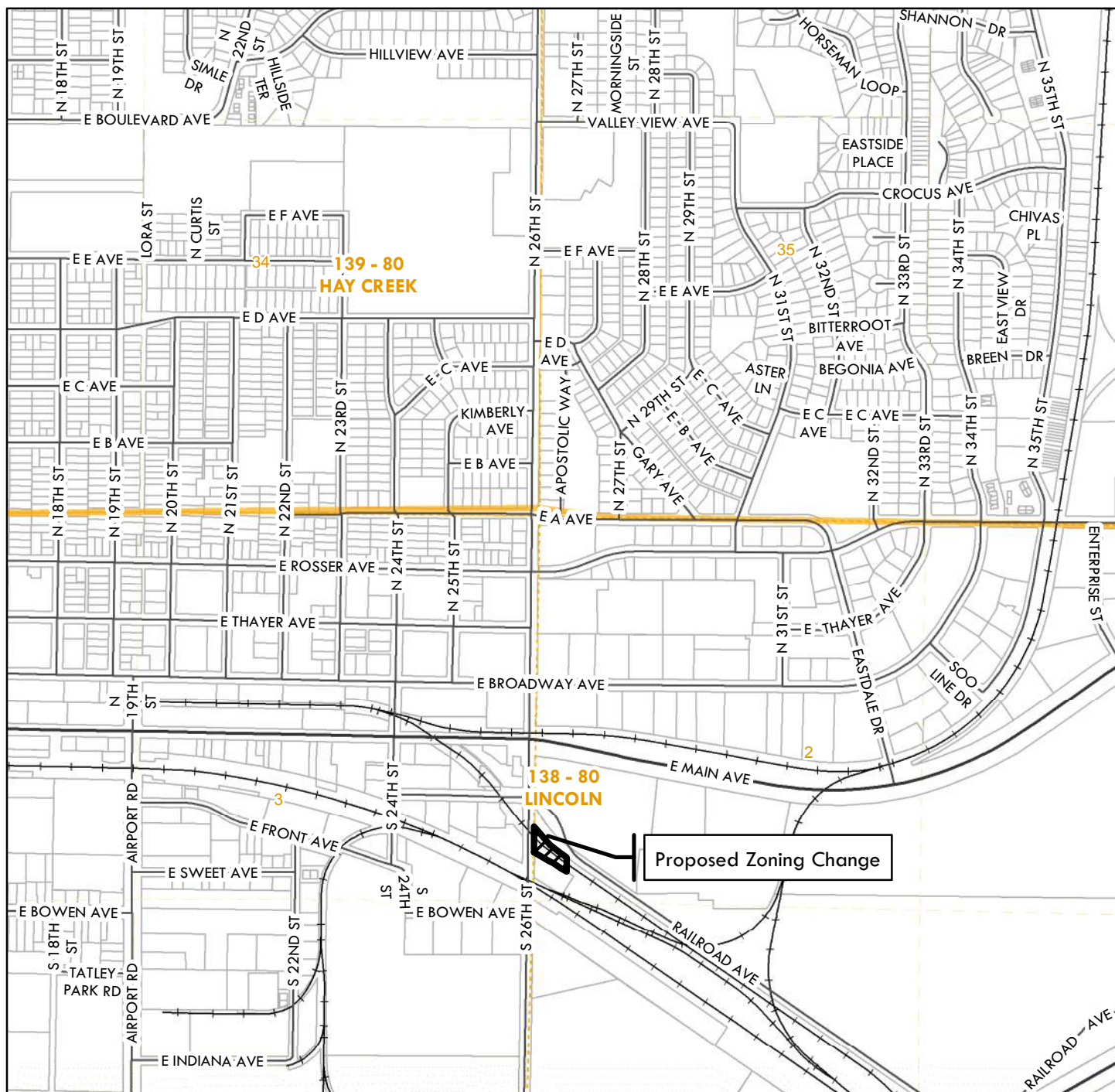
Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the P – Public zoning district to the MA – Industrial zoning district for Tract 205 of the NW¼ of Section 2, T138N-R80W City Lands.

Attachments

1. Location Map
2. Zoning Plan and Reference Map

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

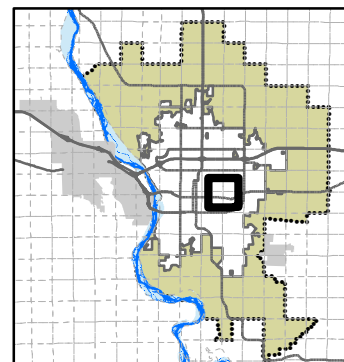


City Limits



Bismarck ETA Jurisdiction

Section, township, and range indicated in orange





Proposed Zoning Change (A to RR)

Tract 205 of the NW1/4 of Section 2, T138N-R80W City Lands

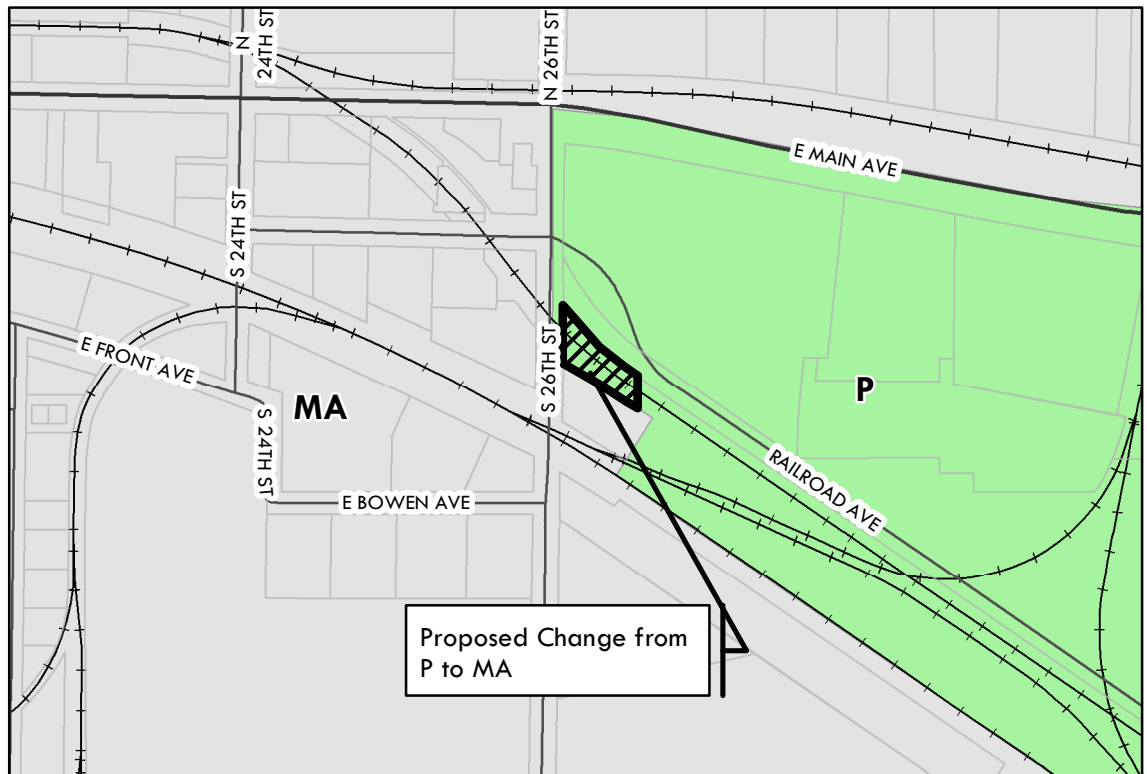
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

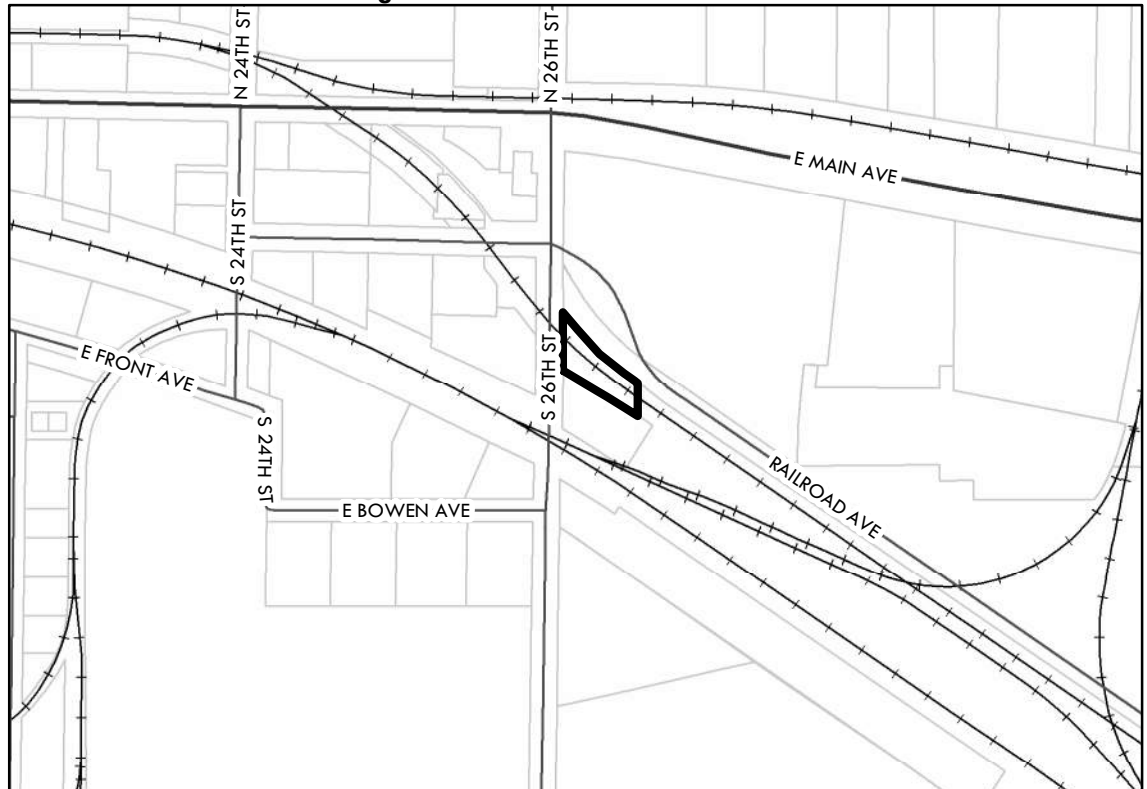
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector

0 0.075 0.15 0.3 Miles

City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
June 22, 2017



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 7

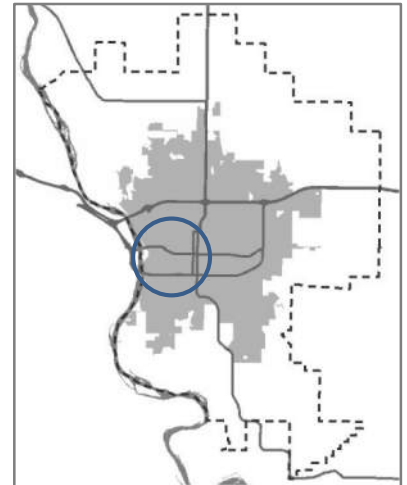
July 26, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-011

Project Summary

Title:	Lots 1-6, Block 81, all of Block 88, and all of the vacated Avenue F adjacent to Blocks 81 and 88, Monson's Subdivision and Lots 9-24, Block 81, McKenzie and Coffin's Addition (St. Mary's Central High School Property)
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Light of Christ Catholic Schools
Project Contact:	Brad Krogstad, PE, KLJ
Location:	In central Bismarck, between East Boulevard Avenue and East Avenue E, along the west side of North 3 rd Street
Project Size:	5.86 acres
Request:	Rezone property to allow for a combination of existing parcels.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 parcels	Number of Lots:	3 parcels
Land Use:	Private school and associated uses	Land Use:	Private school and associated uses
Designated GMP	Already zoned. Not in Future Land Use Plan	Designated GMP	Already zoned. Not in Future Land Use Plan
Future Land Use:		Future Land Use:	
Zoning:	RM30 – Residential RT – Residential	Zoning:	Conditional RT – Residential
Uses Allowed:	RM30 – Multi-family residential RT – Offices and multi-family residential	Uses Allowed:	Conditional RT – Campus uses
Max Density Allowed:	RM30 – 30 units / acre RT – 30 units / acre	Max Density Allowed:	Conditional RT – Campus uses

Property History

Zoned:	12/1990 (northern portion of property) Pre-1980 (southern portion of property)	Platted:	Pre-1980	Annexed:	Pre-1980
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Staff Analysis

The Planning and Zoning Commission met on June 28, 2017, and voted to schedule a public hearing for the proposed zoning change.

Approval of the proposed zoning change is being requested in order to bring the entire Saint Mary' Central High School property into one zoning district and allow for the combination of the three separate parcels on site.

A zoning change to the Conditional RT – Residential zoning district would limit the proposed uses for the site to campus uses associated with Light of Christ Catholic Schools and the Bismarck Diocese and limit the overall height of buildings to no more than three stories in height. The Conditional RT – Residential zoning district is intended to mirror the existing uses on site, provide flexibility for future uses associated with the Bismarck Diocese and limit uses commonly associated the RT – Residential zoning district that may negatively impact the adjacent residential neighborhood.

Adjacent uses include a retail facility to the north, office and multi-family uses to the east, and single and two-family residential uses to the south and west.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning

classification was established or by an error in the zoning map;

5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the RM30 – Residential zoning district and the RT – Residential zoning district to the Conditional RT – Residential zoning district for Lots 1-6, Block 81, all of Block 88, and all of the vacated Avenue F adjacent to Blocks 81 and 88, Monson's Subdivision and Lots 9-24, Block 81, McKenzie and Coffin's Addition with the following conditions:

1. The development of the site is limited to campus uses associated with educational and religious facilities, and
2. The overall heights of buildings are limited to three stories in height.
3. All other development standards shall be as outlined in Section 14-04-08, RT – Residential District, of the City Code of Ordinances.

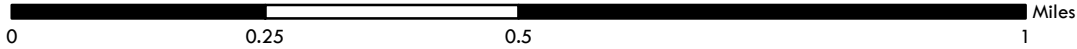
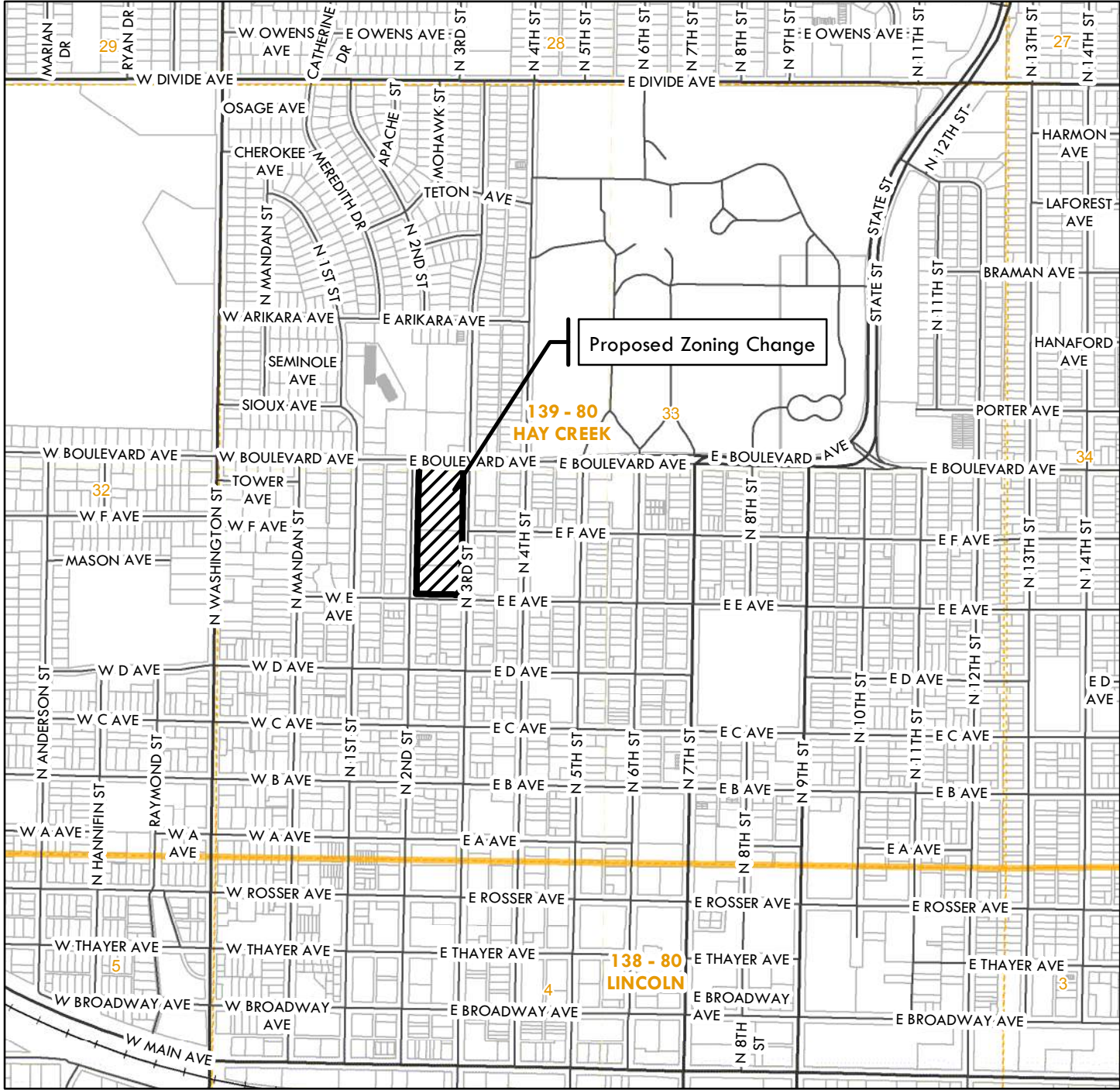
Attachments

1. Location Map
2. Zoning Plan and Reference Map
3. Draft Zoning Ordinance



Proposed Zoning Change (RT and RM to Conditional RT)
Block 88 and Lots 1-6, Block 81 and the vacated Avenue F adjacent to
Blocks 81 and 88, Monson's Subdivision; and
Lots 9-24, Block 81, McKenzie and Coffin's Addition

Project
Location Map

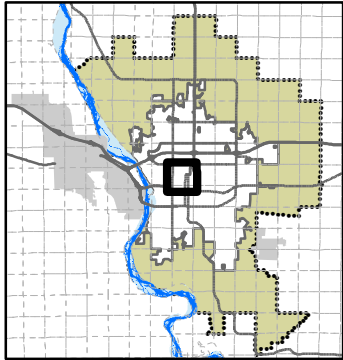


City Limits



Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
June 9, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Proposed Zoning Change (A to RR)

St. Mary's Central High School Property

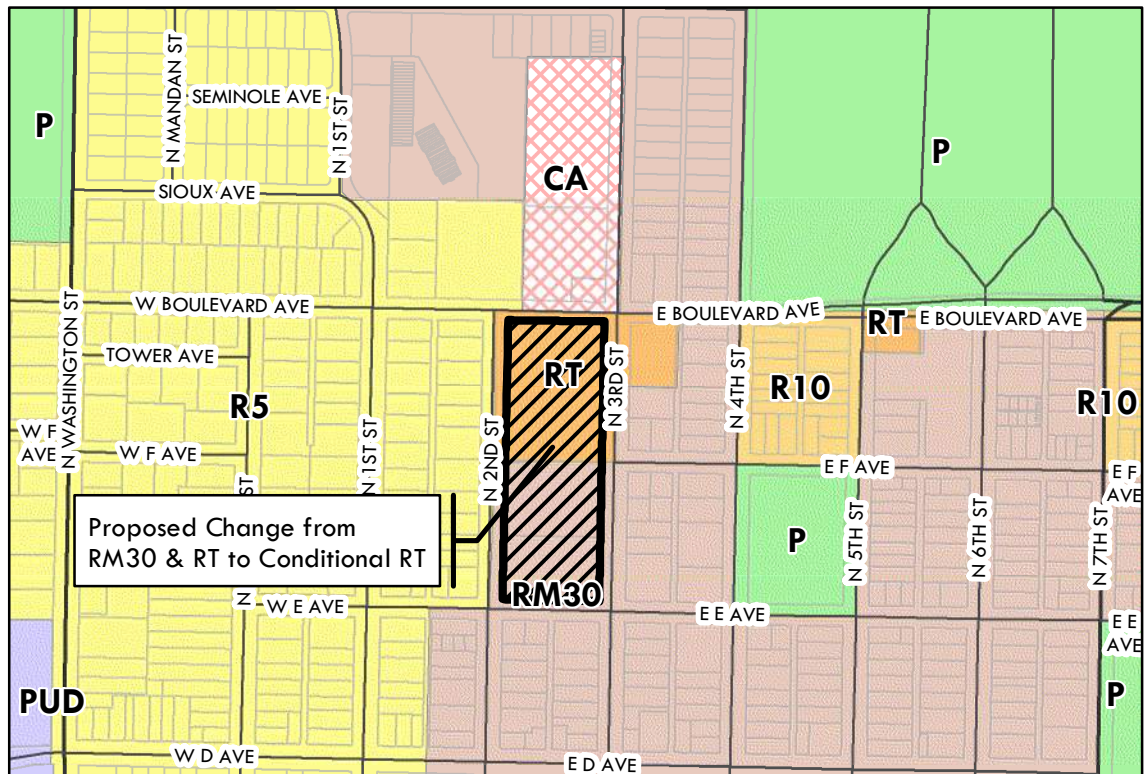
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

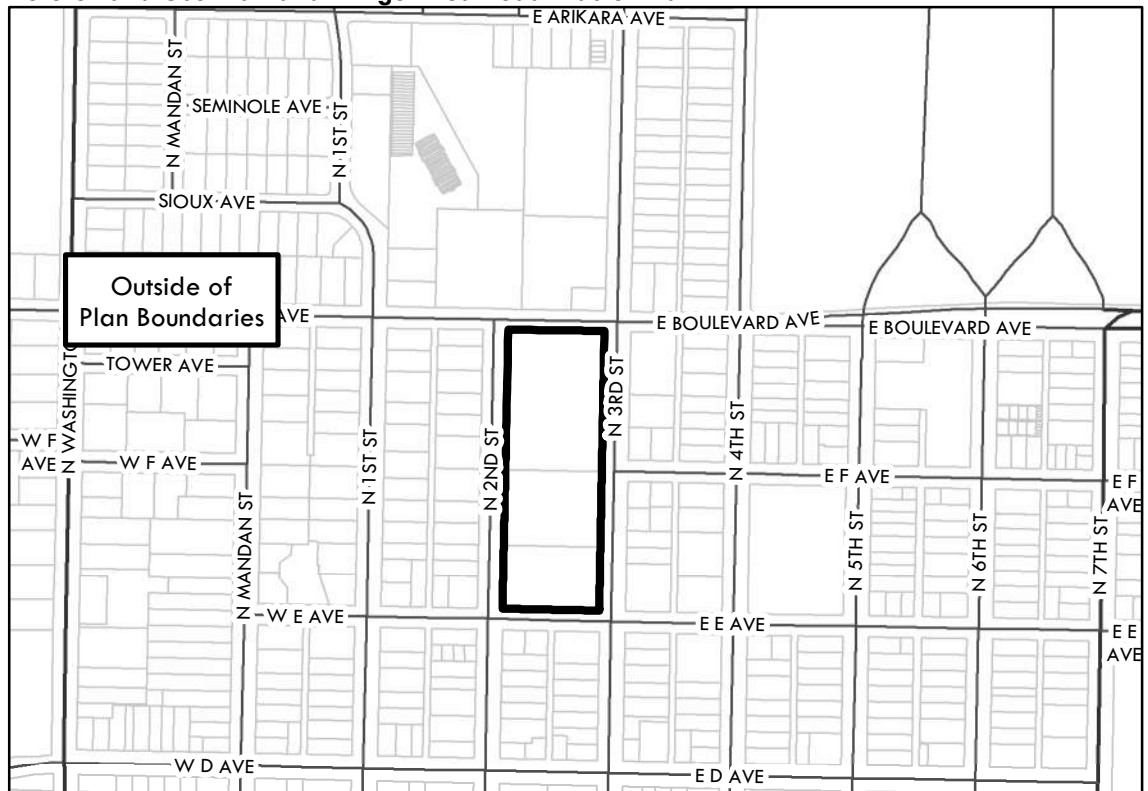
Zoning Map



Future Land Use Plan and Fringe Area Road Master Plan

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector



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City of Bismarck
Community Development Dept.
Planning Division
June 21, 2017

ORDINANCE NO.

<i>Introduced by</i>	_____
<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RM30 – Residential and RT – Residential zoning districts and included in the Conditional RT-Residential zoning district:

Lots 1-6, Block 81, all of Block 88, and all of the vacated Avenue F adjacent to Blocks 81 and 88, Monson’s Subdivision and Lots 9-24, Block 81, McKenzie and Coffin’s Addition, subject to the following conditions:

1. The development of the site is limited to campus uses associated with educational and religious facilities, and
2. The overall heights of buildings are limited to three stories in height.
3. All other development standards shall be as outlined in Section 14-04-08, RT – Residential District, of the City Code of Ordinances.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 8

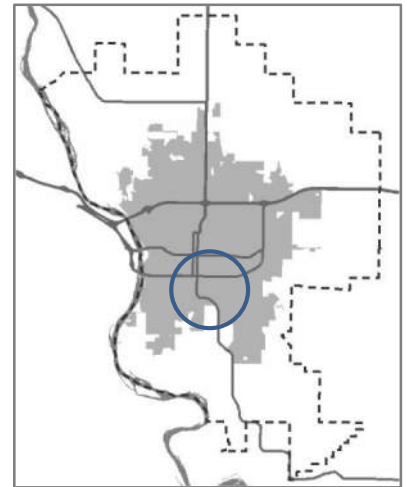
July 26, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-012

Project Summary

Title:	Lot 2, Block 1, Wachter's 17 th Addition and Lot 1, Block 1, Wachter's 18 th Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Bismarck Motor Company, Inc.
Project Contact:	Richard Bohrer, Architectural Concepts
Location:	South Bismarck, along the south side of Bismarck Expressway between University Drive and South 12 th Street.
Project Size:	147,055 square feet/3.38 acres
Request:	Rezone property to allow the future construction of a multi-family residential development.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 lots in 2 blocks	Number of Lots:	2 lots in 2 blocks
Land Use:	Undeveloped/Vacant	Land Use:	Multi-family residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	MA – Industrial	Zoning:	CG – Commercial
Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	Uses Allowed:	CG – General commercial, multi-family residential, and offices
Max Density Allowed:	MA – N/A	Max Density Allowed:	CG – 42 units / acre

Property History

Zoned:	05/2012	Platted:	08/1979 (Wachter's 17 th) 04/1984 (Wachter's 18 th)	Annexed:	Pre-1980
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Staff Analysis

The Planning and Zoning Commission met on June 28, 2017, and voted to schedule a public hearing for the proposed zoning change.

The applicant is requesting a zoning change from the MA – Industrial zoning district to the CG – Commercial zoning district to allow the future development of multi-family residential on the property. The zoning of the property was changed from CG – Commercial to MA – Industrial in May 2012 in conjunction with the rezoning of adjacent parcels. At the time, the property was used as a temporary overflow sales lot for Bismarck Motor Company, which was a permitted use in both the CG and MA zoning districts. However, now that Bismarck Motor Company has moved from the site, changing the zoning of these properties back to CG – Commercial would allow the transfer the ownership of the property and the development of more compatible land uses in this location.

Adjacent land uses include a variety of commercial uses to the north and east and a manufactured home park to the south and west.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any

development allowed by the new zoning classification at the time the property is developed;

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the MA – Industrial zoning district to the CG – Commercial zoning district on Lot 2, Block 2, Wachter's 17th Addition and Lot 1, Block 1, Wachter's 18th Addition.

Attachments

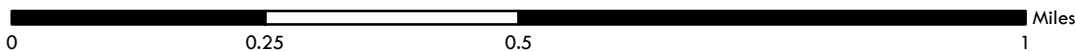
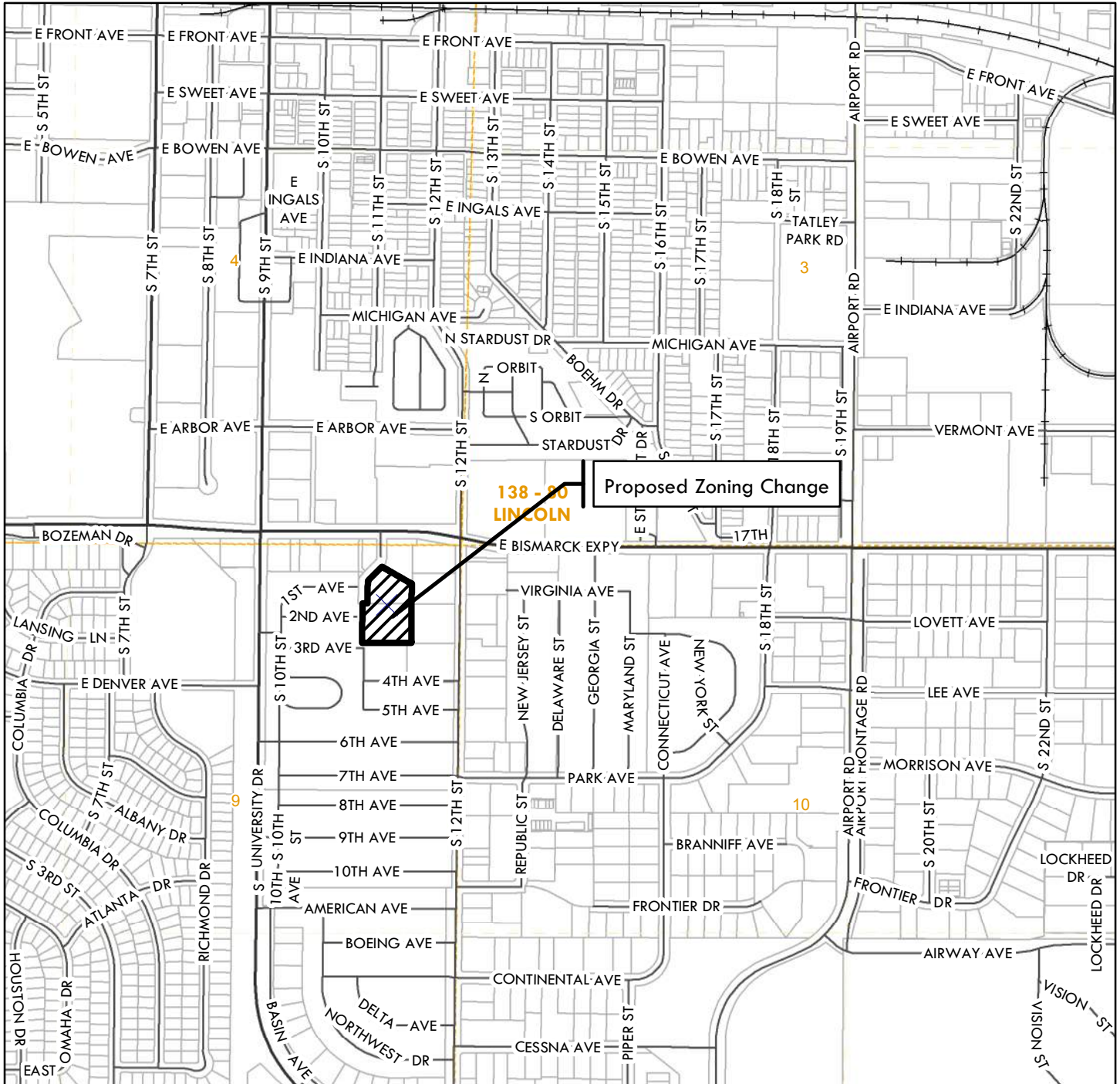
1. Location Map
2. Zoning and Plan Reference Map

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov



Proposed Zoning Change (MA to CG)
Lot 2, Block 2, Wachter's 17th Addition and
Lot 1, Block 1, Wachter's 18th Addition

Project
Location Map



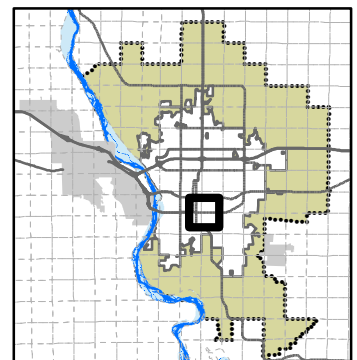
 City Limits  Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
May 26, 2017 (HLB)

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Proposed Zoning Change (MA to CG)

Lot 2, Block 2, Wachter's 17th Add. and Lot 1, Block 1, Wachter's 18th Add.

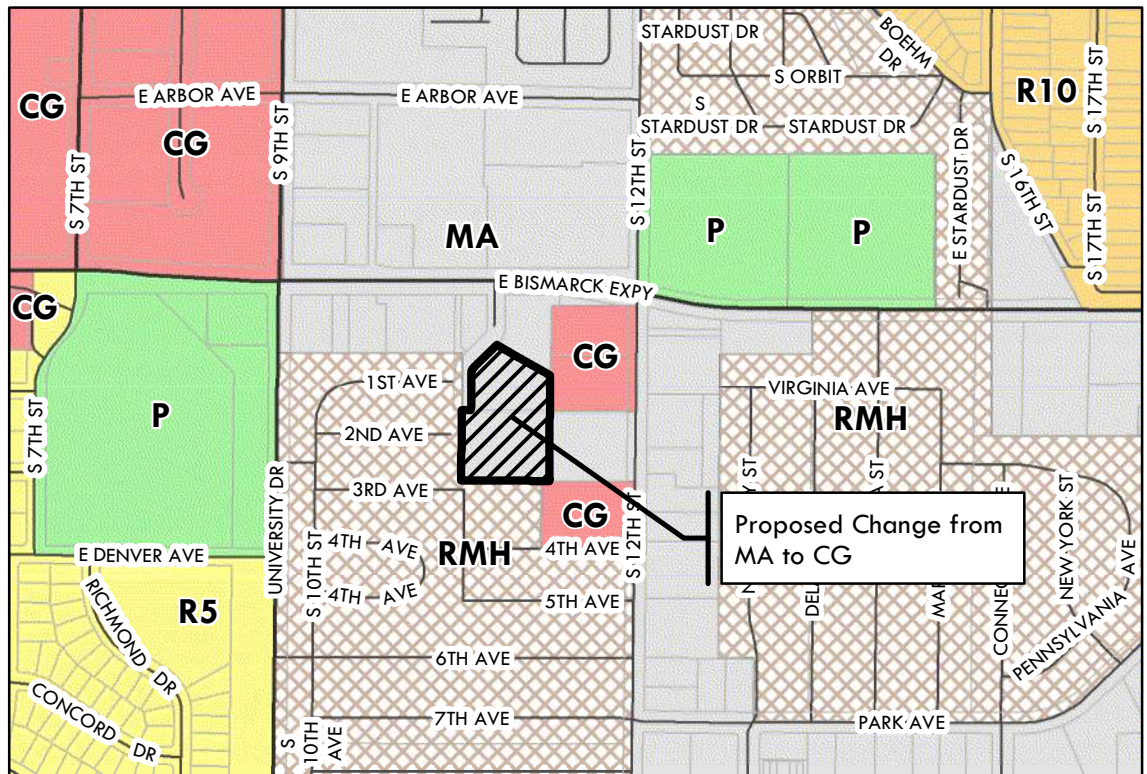
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
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PUD	Planned Unit Development
DC	Downtown Core
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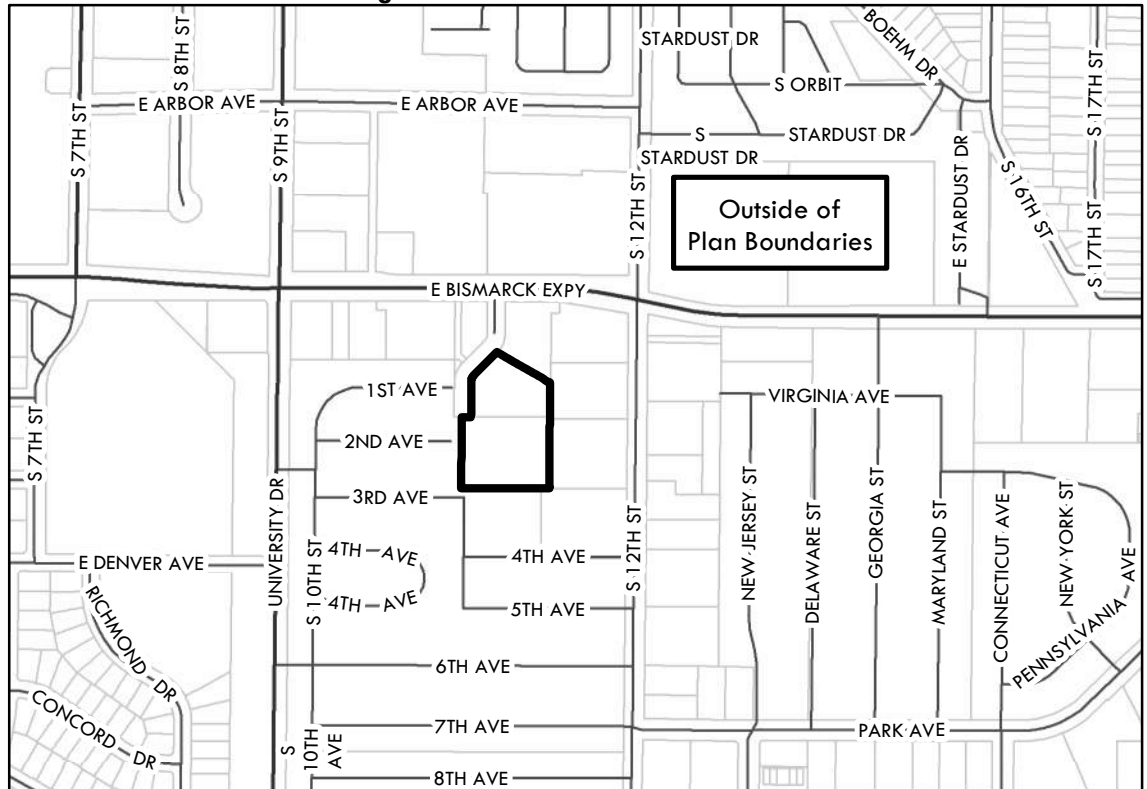
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector

0 0.1 0.2 0.4 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
June 21, 2017



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 9

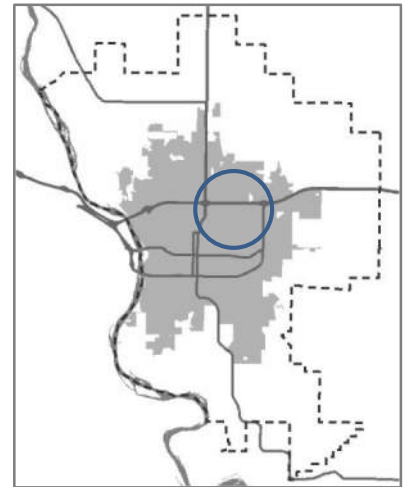
July 26, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-013

Project Summary

Title:	Lot 6, Block 3, Sleepy Hollow Heights 2nd Addition and Lot 9, Block 4, Sleepy Hollow Heights 5th Addition, and Lot 1, Block 1, Sleepy Hollow Heights 2nd Addition and Lot 8 and Auditor's Lot A of Lot 10, Block 4, Sleepy Hollow Heights 5th Addition (3032 Sleepy Hollow Loop and 3100 Sleepy Hollow Loop)
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Melvin and Jennifer Gallaway Tom and Sarah Fuller
Project Contact:	Jenny Wollmuth, AICP, CFM Planner
Location:	In northeast Bismarck, south of East Divide Avenue, south of North 33 rd Street, along the west side of Sleepy Hollow Loop.
Project Size:	29,594 square feet, more or less
Request:	City-initiated action to rezone properties in order to bring both parcels into one zoning district.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 parcels	Number of Lots:	2 parcels
Land Use:	Single-family residential	Land Use:	Single-family residential
Designated GMP	Already zoned. Not in Future Land Use Plan	Designated GMP	Already zoned. Not in Future Land Use Plan
Future Land Use:		Future Land Use:	
Zoning:	R5 – Residential R10 – Residential	Zoning:	R10 – Residential
Uses Allowed:	R5 – Single-family residential R10 – Single and two-family residential	Uses Allowed:	R10 – Single and two-family residential
Max Density Allowed:	R5 – 5 units / acre R10 – 10 units / acre	Max Density Allowed:	R10 – 10 units / acre

Property History

Zoned:	04/2002 (SHH 2 nd) 07/2006 (SHH 5 th)	Platted:	04/2002 (SHH 2 nd) 07/2006 (SHH 5 th)	Annexed:	03/1998 (SHH 2 nd) 03/1998 (SHH 5 th)
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Staff Analysis

The Planning and Zoning Commission met on June 28, 2017, and voted to schedule a public hearing for the proposed zoning change.

The property owners at 3032 Sleepy Hollow Loop recently inquired about the construction of an additional accessory building on their property. While meeting with the owners, staff discovered that their property as well as the property to the south, 3100 Sleepy Hollow Loop, were located in both the R5 – Residential zoning district and the R10 – Residential zoning district.

Both properties were zoned R10 – Residential when they were originally platted. Since then, each property owner has acquired property from an adjacent owner that is zoned R5 – Residential. Although a single-family dwelling is a permitted use within the R5 – Residential and R10 – Residential zoning districts, it is not permissible to have two separate zoning districts within one parcel. This City-initiated action will bring both properties into compliance with our requirements.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning

classification at the time the property is developed;

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district and the R10 – Residential zoning district to the R10 – Residential zoning district for Lot 6, Block 3, Sleepy Hollow Heights 2nd Addition and Lot 9, Block 4, Sleepy Hollow Heights 5th Addition, and Lot 1, Block 1, Sleepy Hollow Heights 2nd Addition and Lot 8 and Auditor's Lot A of Lot 10, Block 4, Sleepy Hollow Heights 5th Addition.

Attachments

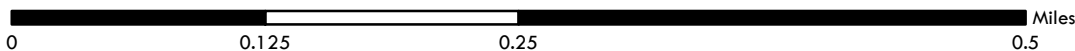
1. Location Map
2. Zoning Plan and Reference Map

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

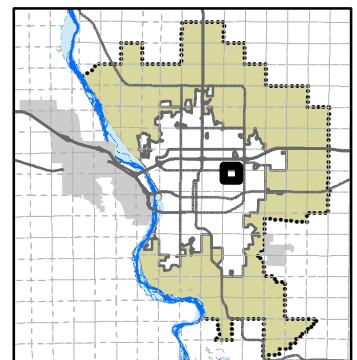


Proposed Zoning Change (R5 and R10 to R5)
Lot 6, Block 3, Sleepy Hollow Heights 2nd Addition and
Lot 9, Block 4, Sleepy Hollow Heights 5th Addition; and
Lot 1, Block 5, Sleepy Hollow Heights 2nd Addition and Lot 8 and
Auditor's Lot A of Lot 10, Block 4, Sleepy Hollow Heights 5th Addition

Project
Location Map

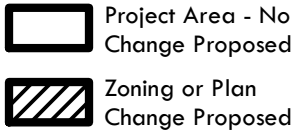


Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
June 8, 2017 (HLB)

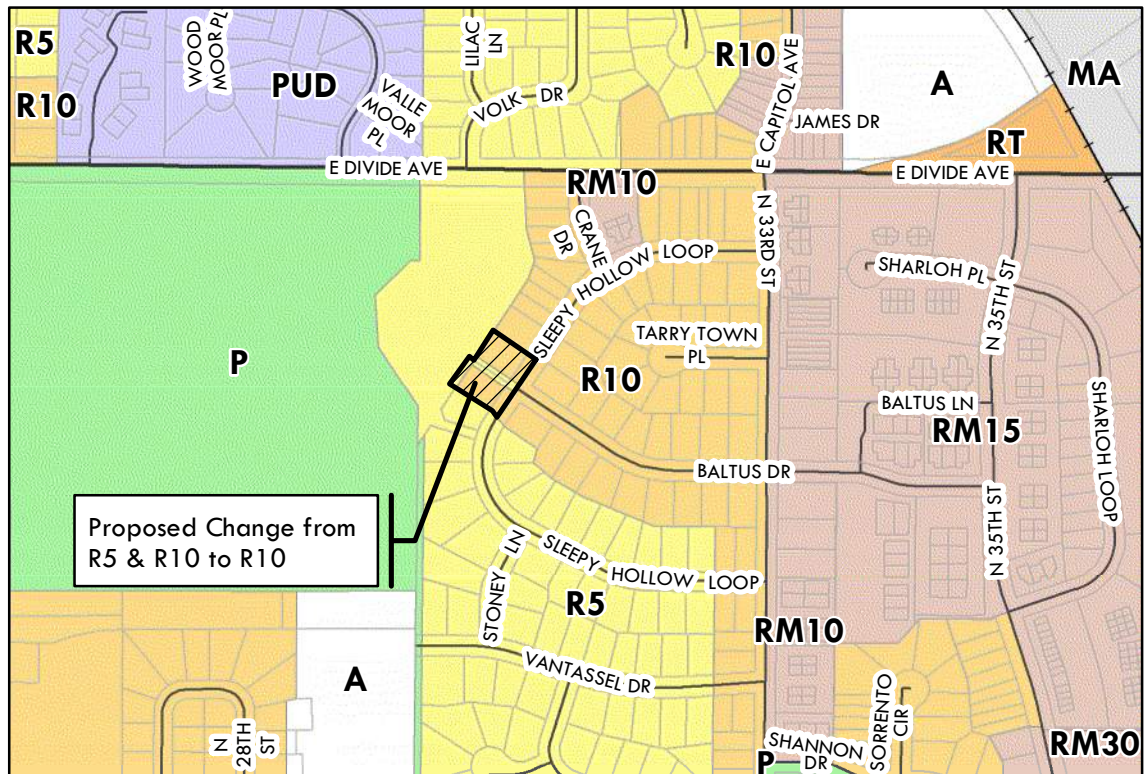
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Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily (Offices)
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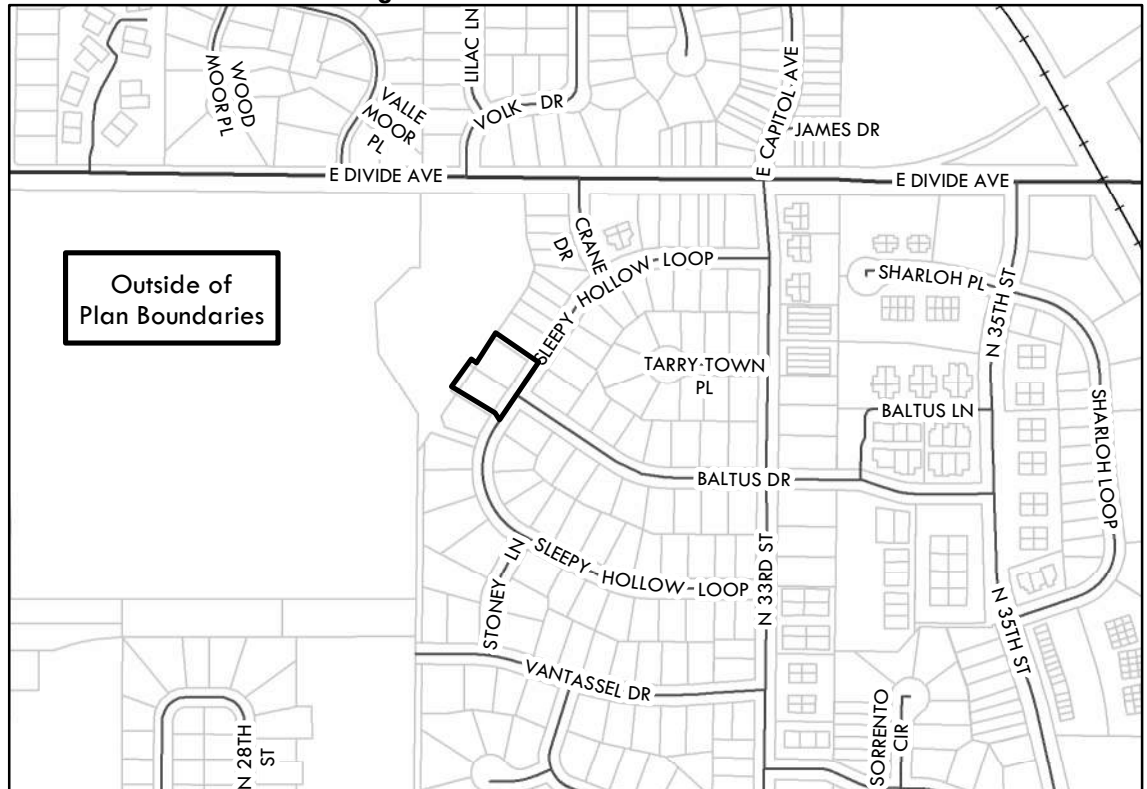
Zoning Map



Future Land Use Plan

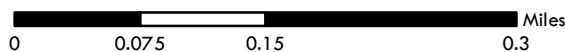
CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector



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City of Bismarck
Community Development Dept.
Planning Division
June 21, 2017



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item #10

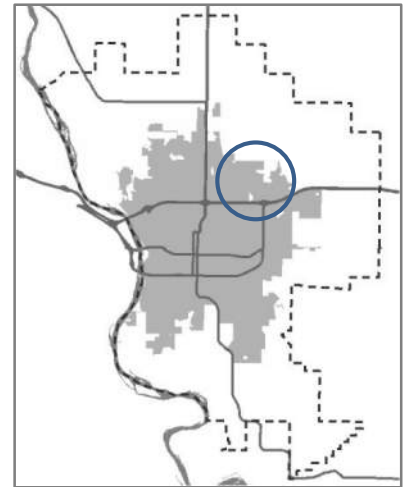
July 26, 2017

Application for: Special Use Permit

TRAKiT Project ID: SUP2017-009

Project Summary

<i>Title:</i>	Lot 2B of Lot 2, Block 1, Sunrise Town Centre Addition (3102 Yorktown Dr.)
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	SNT Development, Inc (owner) .; Meridian Restaurants Unlimited, LLC (applicant)
<i>Project Contact:</i>	Cal Johnson, Legend Engineering
<i>Location:</i>	In northeast Bismarck, north of East Century Avenue, between Centennial Road and Yorktown Drive.
<i>Project Size:</i>	46,651 Square feet
<i>Request:</i>	Allow the operation of a drive-through in conjunction with a new restaurant (Burger King).



Site Information

Existing Conditions

<i>Number of Lots:</i>	1
<i>Land Use:</i>	Undeveloped
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density Allowed:</i>	CG – 42 units / acre

Proposed Conditions

<i>Number of Lots:</i>	1
<i>Land Use:</i>	Restaurant
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density Allowed:</i>	CG – 42 units / acre

Property History

<i>Zoned:</i>	CG: 03/2013 MA: Pre-1980	<i>Platted:</i>	05/2013	<i>Annexed:</i>	05/2013
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Staff Analysis

The applicant is requesting approval of a special use permit for the operation of a drive-through in conjunction with the construction of a restaurant (Burger King).

The applicant has indicated that the drive-through for Burger King will be constructed in a location that will allow for efficient circulation of drive-through traffic and parking.

A drive-through in conjunction with a restaurant is a permitted use in the CG – Commercial zoning district, provided certain conditions are met. The proposed special use meets the provisions outlined in Section 14-03-08(4)(g) of the City Code of Ordinances (Special Uses). A copy of this section of the ordinance is attached.

The proposed special use also meets the stacking spaces required for a drive-through restaurant outlined in Section 14-03-10(4) of the City Code of Ordinances (Off-street Parking and Loading). A copy of this section of the ordinance is attached.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;

4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic;
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow the operation of a drive-through in conjunction with a new restaurant on Lot 2B of Lot 2, Block 1, Sunrise Town Centre, with the following condition:

1. Development of the site must generally conform to the site plan submitted with the application.

Attachments

1. Section 14-03-08(4)(g)
2. Section 14-03-10(4)
3. Location Map
4. Zoning and Plan Reference Map
5. Site Plan

14-03-08(4)(g)

g. Drive-in/drive-through retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in/drive-through facility, including, but not limited to drive-in/drive-through restaurants, banks or other drive-in/drive-through facilities, exclusive of theatres, may be permitted in a CG, CR, MA or HM district (drive-in/drive-through facilities for banks and drive-in/drive-through windows for pharmacies as an ancillary use to a medical office/clinic only may also be permitted in a CA district) as a special use provided:

1. The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located.
2. Access to and egress from a drive-in/drive-through establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets.
3. Adequate off-street parking shall be provided in conformance with section 14-03-10 of this ordinance. In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.
4. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local street.
5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer.
6. On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines.

14-03-10(4)

4. Off-street vehicle stacking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street vehicle stacking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required vehicle stacking space shall be of an area at least ten (10) feet wide and twenty (20) feet in length. Vehicle stacking lanes shall be located completely upon the parcel of land that includes the structure they are intended to serve and shall be so designed as to not impede on- or off-site traffic movements. All vehicle stacking spaces shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. The number of off-street vehicle stacking spaces shall be provided on the basis of the following minimum requirements:

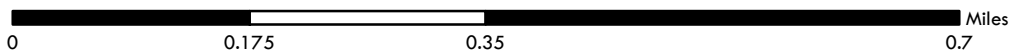
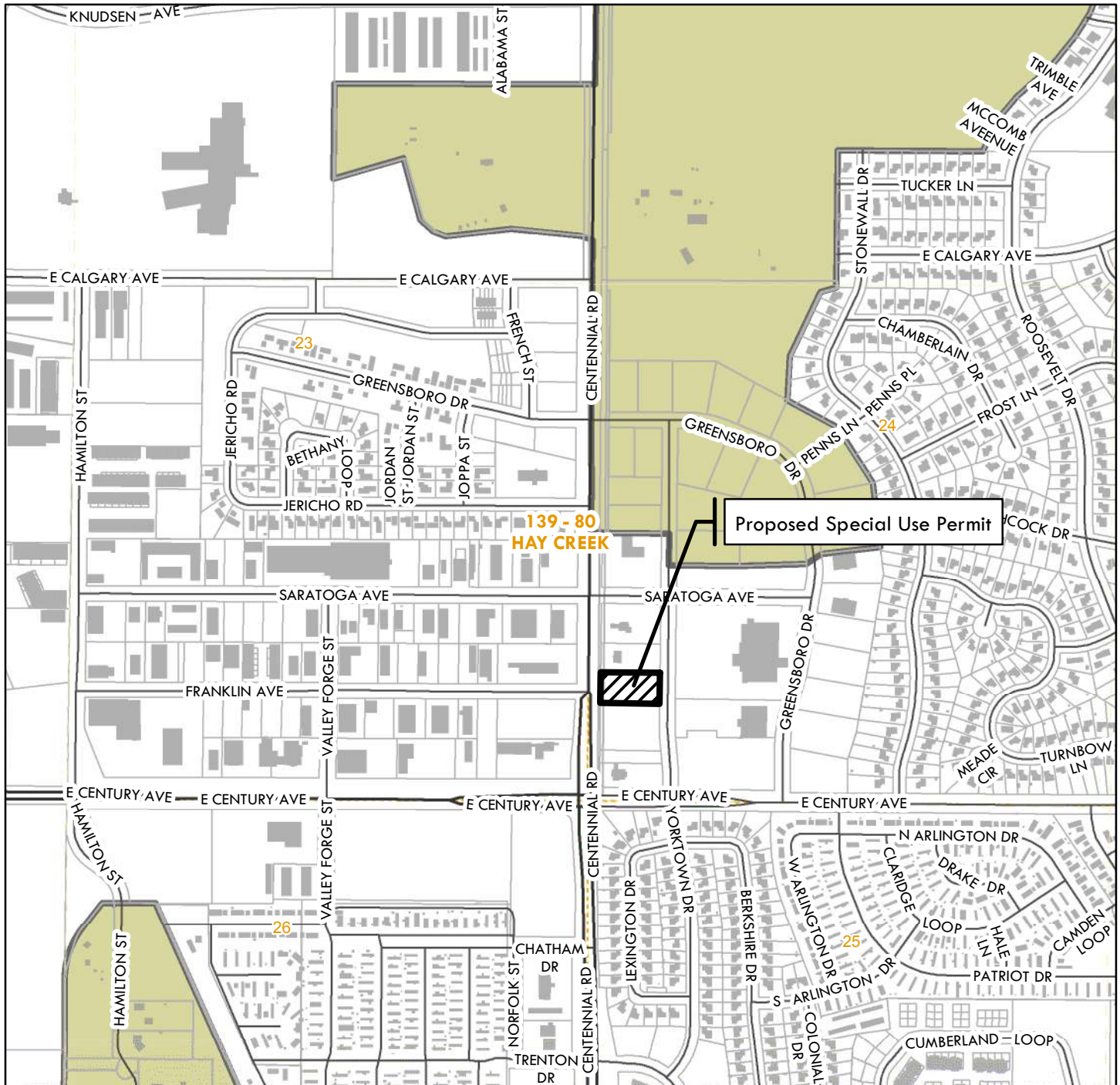
Type of Use	Minimum Number of Stacking Spaces	Measured From
Financial institution- ATM	3 spaces per lane	Kiosk
Financial institution – teller	4 spaces for first lane, 3 spaces for each additional lane	Window or pneumatic tube kiosk
Drive-through restaurant	12 spaces	Pick-up window
Drive-through coffee shop	10 spaces	Pick-up window
Car wash, automatic	6 spaces per bay	Entrance
Car wash, self-service	3 spaces per bay	Entrance
Drive-through car service (oil change and similar)	3 spaces per bay	Entrance
Drive-through pharmacy	3 spaces	Window
Drive-through cleaners	3 spaces	Window
Drive-through photo lab	3 spaces	Window
Self-service fueling station	2 spaces per fueling island	Each end of the fueling island
Gated parking lots and entrances	2 spaces	Gate



Proposed Special Use Permit (Drive-Through)

Lot 2B of Lot 2, Block 1, Sunrise Town Centre Addition

Project
Location Map



City Limits



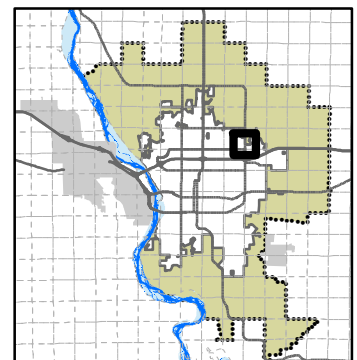
Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
July 20, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Proposed Special Use Permit (Drive-Through)

Lot 2B of Lot 2, Block 1, Sunrise Town Centre Addition

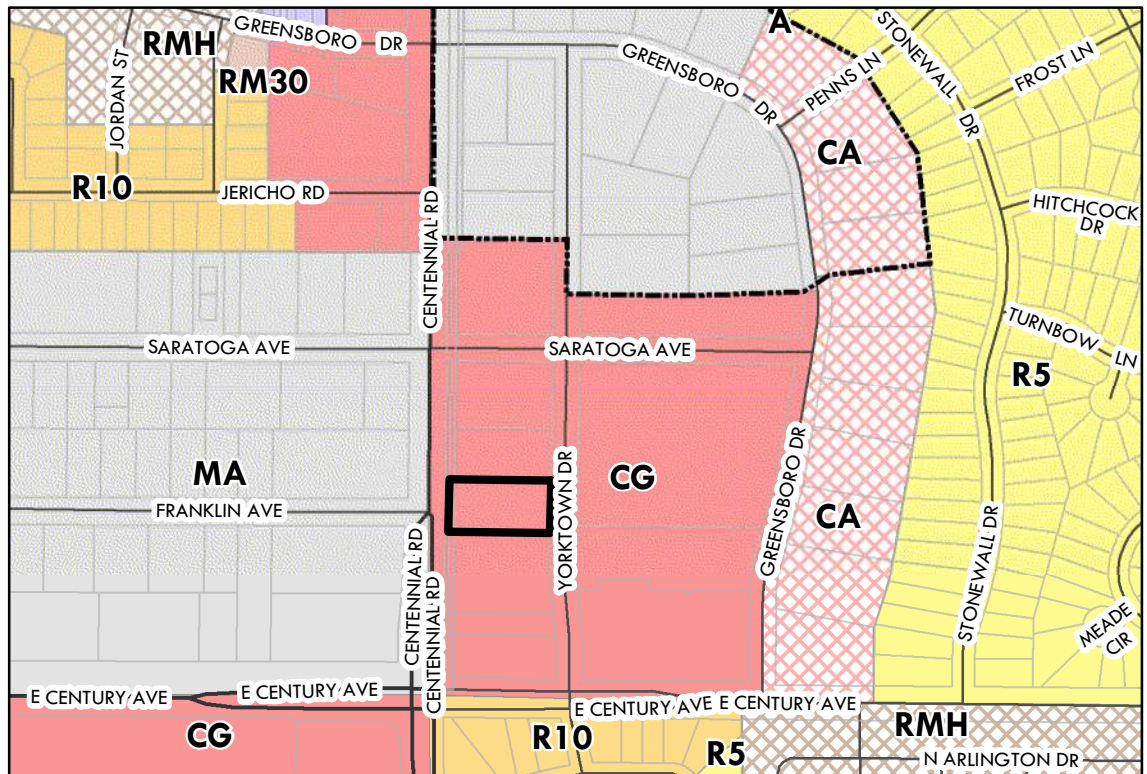
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

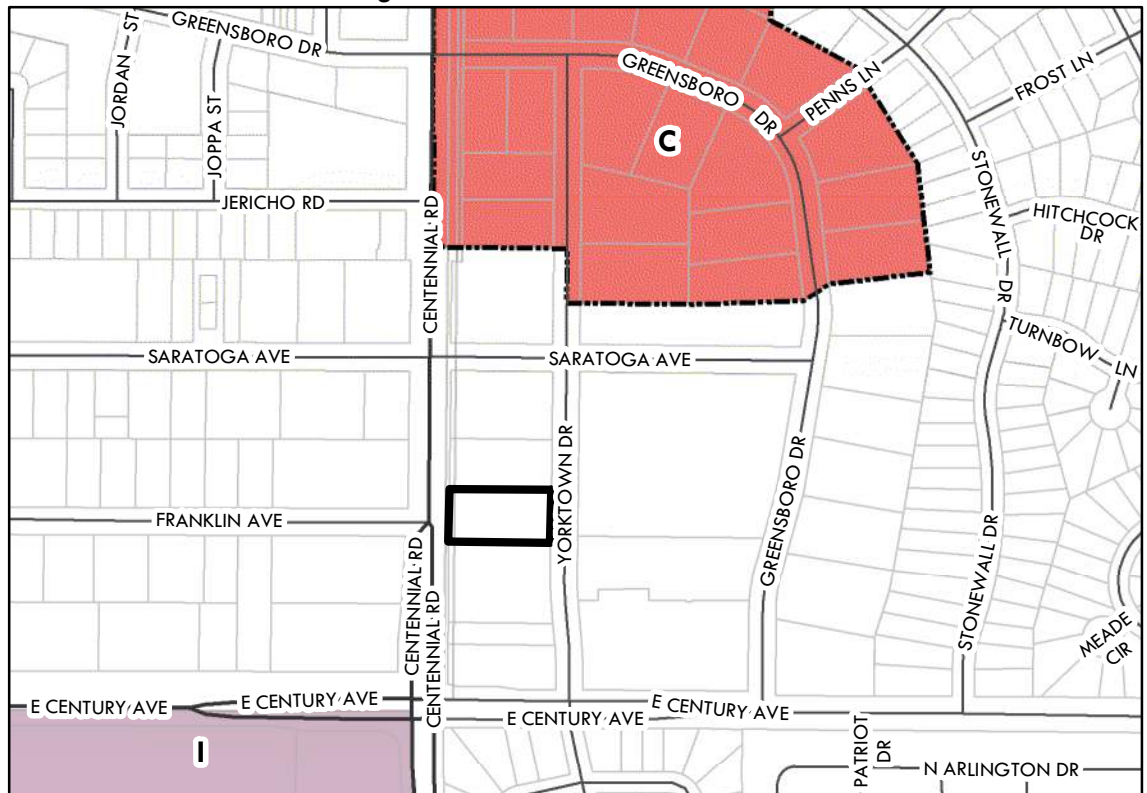
Zoning Map



Future Land Use Plan and Fringe Area Road Master Plan

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector

0 0.075 0.15 0.3 Miles

City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
July 20, 2017



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item #11

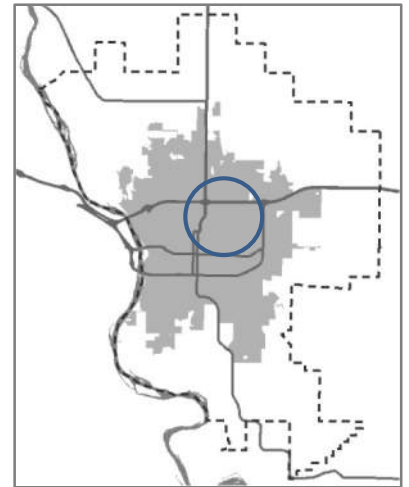
July 26, 2017

Application for: Special Use Permit

TRAKiT Project ID: SUP2017-010

Project Summary

<i>Title:</i>	Lot 2, Block 3, Harvest Grove Third Subdivision (8601 Caraway Drive)
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Lee Friese
<i>Project Contact:</i>	Lee Friese
<i>Location:</i>	North of Bismarck, west of US Highway 83, north of 84th Avenue NE, along the east side of Caraway Drive.
<i>Project Size:</i>	1.66 acres
<i>Request:</i>	Approval of a special use permit to increase the maximum area of accessory buildings on the lot to 3,200 square feet.



Site Information

Existing Conditions

<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Rural Residential
<i>Designated GMP</i> <i>Future Land Use:</i>	Conventional Rural Residential
<i>Zoning:</i>	RR – Residential
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture
<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet

Proposed Conditions

<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Rural Residential
<i>Designated GMP</i> <i>Future Land Use:</i>	Conventional Rural Residential
<i>Zoning:</i>	RR – Residential
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture
<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet

Property History

<i>Zoned:</i>	5/24/2005	<i>Platted:</i>	8/16/2005	<i>Annexed:</i>	N/A
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Staff Analysis

The applicant is requesting approval of a special use permit to increase the maximum allowable accessory

building size on a parcel located in the RR - Rural Residential Zoning District to 3,200 square feet.

(continued)

Section 14-03-06(1)(b)(5) of the City Code of Ordinances states, "The allowable accessory buildings for a single family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08." A copy of this section of the ordinance is attached.

The parcel size for the proposed special use is 1.66 acres or 72,309 square feet and meets the criteria for a maximum allowable size of 3,200 square feet for all accessory buildings. There are no existing accessory buildings on this parcel. The proposed new accessory building measures 40 feet x 80 feet or 3,200 square feet.

As proposed the building will be wood framed with a metal roof, and a partial rock front. It will be constructed with 14 foot sidewalls and have an overall height of 23 feet. The applicant has indicated that the existing access point would be utilized for the proposed accessory building and that it will be used for personal storage and indoor recreation facilities.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;

3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to increase the area of accessory buildings on the lot to 3,200 square feet for Lot 2, Block 3, Harvest Grove Third Subdivision.

Attachments

1. Section 14-03-06(1)(b)(5) of the City Code of Ordinances
2. Location Map
3. Zoning and Plan Reference Map
4. Site Plan

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov

Section 14-03-06(1)(b)(5)

5. All allowable accessory buildings for a single-family rural residence in a rural residential zoning district (RR & RR5) shall be limited to a maximum area of fourteen hundred (1,400) square feet for lots of 40,000 square feet or less; to a maximum area of eighteen hundred (1,800) square feet for lots between 40,000 square feet and 64,999 square feet; to a maximum area of twenty-four hundred (2,400) square feet for lots over 65,000 square feet, except as provided for herein. The maximum wall height shall be limited to fourteen (14) feet and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with 40,000 to 64,999 square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

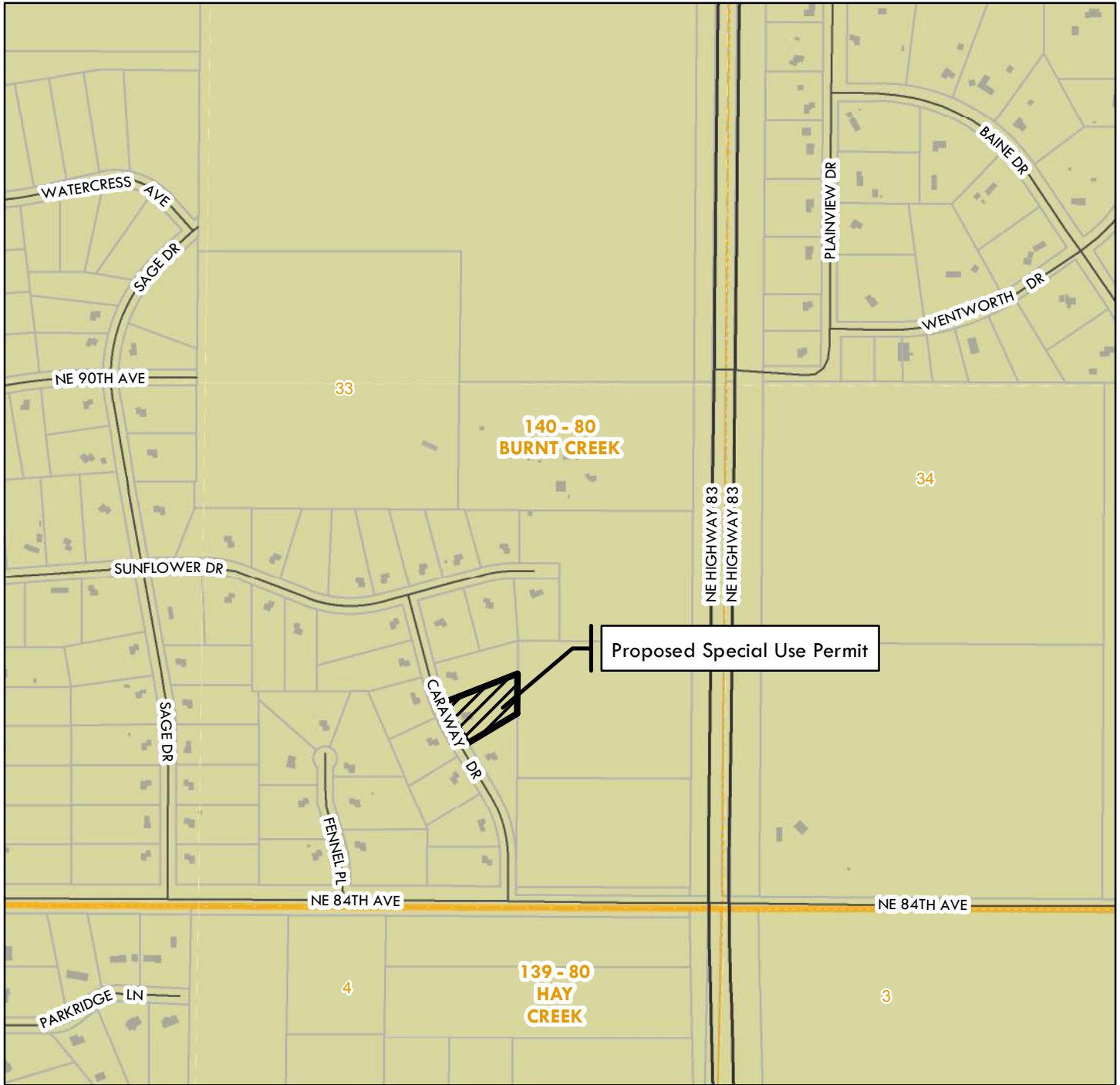
The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.



Proposed Special Use Permit (Accessory Building)
Lot 2, Block 3, Harvest Grove Third Subdivision

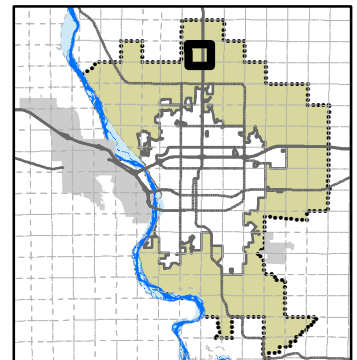
Project
Location Map



0 0.175 0.35 0.7 Miles

 City Limits  Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
June 26, 2017 (HLB)



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Proposed Special Use Permit

Lot 2, Block 3, Harvest Grove Third Subdivision (8601 Caraway Drive)

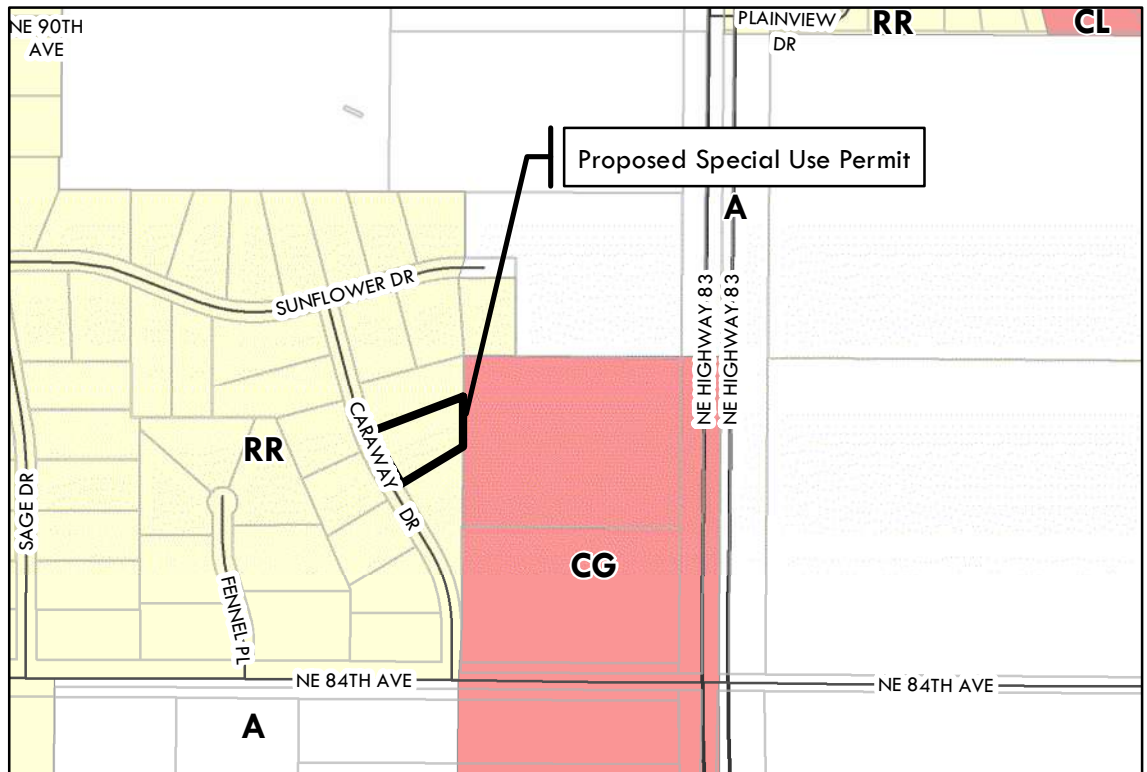
Zoning and Plan
Reference Map

-  Project Area - No Change Proposed
-  Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

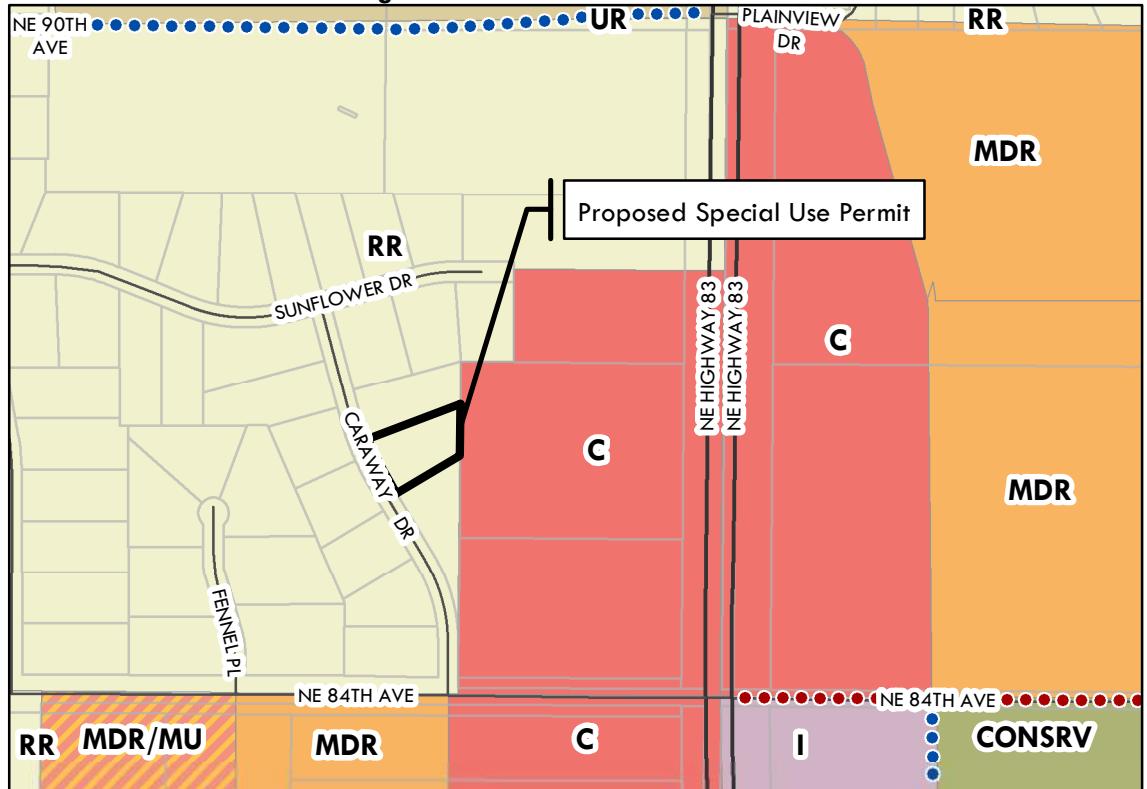
Zoning Map





Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

-  Planned Arterial
-  Planned Collector

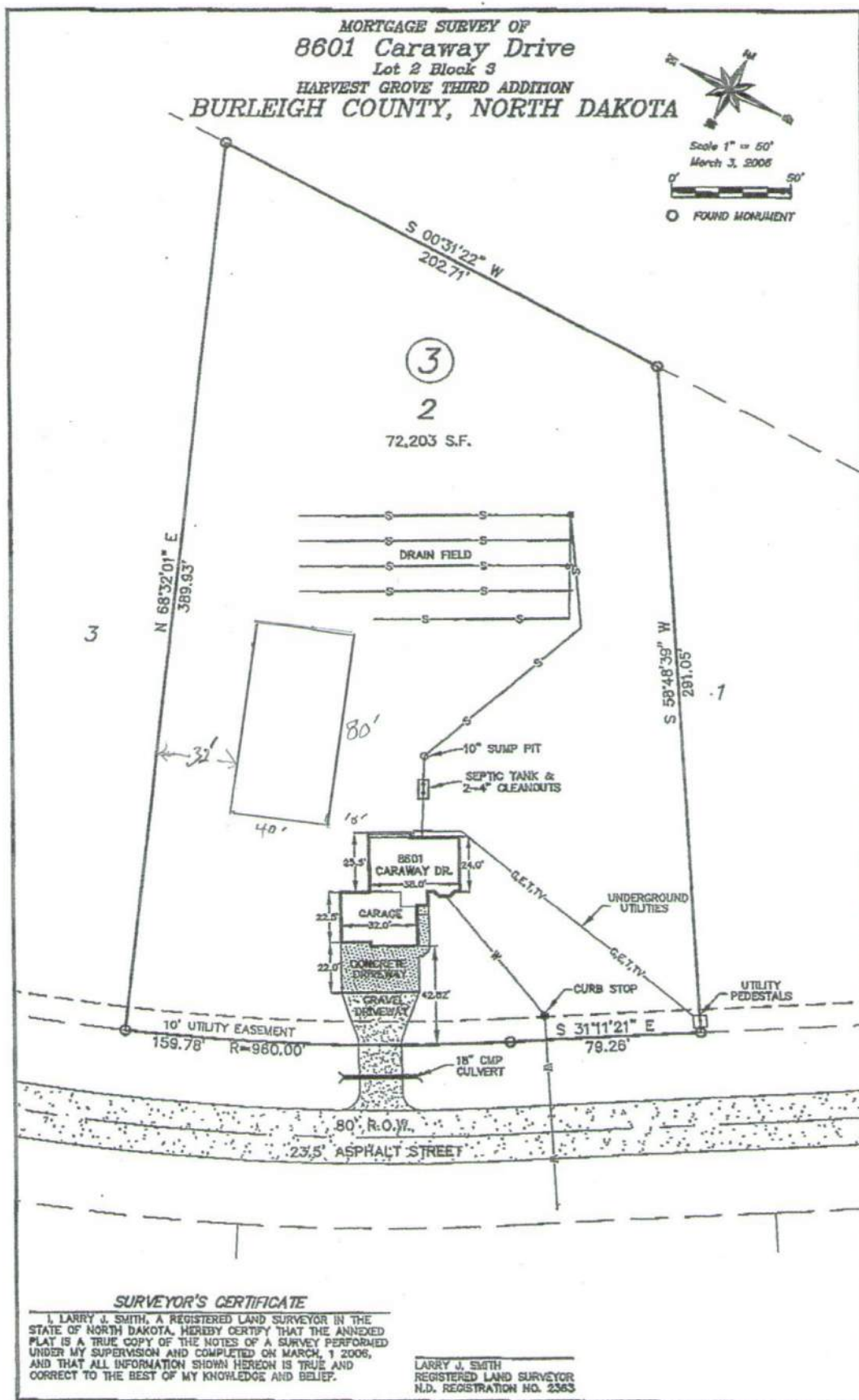
0 0.1 0.2 0.4 Miles

 City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
July 20, 2017





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 12

July 26, 2017

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2017-005

Project Summary

Title:	Keeping of Chickens in the Rural Residential Districts
Status:	Planning & Zoning Commission – Public Hearing
Project Contact:	Will Hutchings, Planner
Sections Amended:	Section 14-03-06 (Incidental Uses), 14-04-01 (RR - Residential District) and 14-04-01.1 (RR5 - Residential District).
Request:	Amend zoning ordinance to allow the keeping of chickens in the rural residential zoning districts.

Staff Analysis

At the May 24, 2017 meeting of the Planning and Zoning Commission, staff indicated that the Planning Division has received requests to allow chickens in rural residential zoning districts. The general consensus of those present at the meeting was for staff to investigate and draft an ordinance amendment for consideration. A draft ordinance was considered and called for a public hearing at the June 28, 2017 meeting of the Planning and Zoning Commission.

Section 03-01-02 of the City Code of Ordinances (Restrictions of the Keeping and Raising of Animals and Fowl) prohibits the keeping of chickens on rural residential zoned property inside the City limits. Additional language has been added since the introduction of the draft zoning ordinance text amendment to clarify that chickens, private riding stables and animal husbandry activities or projects are only permitted in rural residential zoning districts outside of the corporate limits.

In determining requirements for the keeping of chickens, staff consulted a variety of resources including the North Dakota State Veterinarian, NDSU Burleigh County Extension Agents, Bismarck-Burleigh Public Health Officials, and staff from other cities who permit the keeping of chickens in residential areas. Based on research performed, the draft zoning ordinance text amendment includes the following requirements for the

keeping of chickens in the rural residential zoning districts:

- Only female chickens (hens) are permitted. Male chickens (roosters) are prohibited.
- No more than 10 chickens are permitted. The limit on the number of chickens is based on an average hen's rate of egg production and typical family size, as well as the impact of chickens on surrounding properties.
- All chickens must be kept in a fenced area.
- All coops to support the keeping of chickens must comply with all applicable setbacks and size limitations for allowable accessory structures and must be located no less than 150 feet from a neighboring dwelling.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;

(continued)

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Sections 14-03-06 (Incidental Uses), 14-04-01 (RR - Residential District) and 14-04-01.1 (RR5 - Residential District) of the Bismarck Code of Ordinances related to the keeping of chickens in rural residential zoning districts, as outlined in the attached draft ordinance.

Attachments

1. Draft zoning ordinance amendment

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment for

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov

CITY OF BISMARCK

Ordinance No. XXXX

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-06, 14-04-01 and 14-04-01.1 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO INCIDENTAL USES, THE RR RESIDENTIAL DISTRICT, THE RR5 RESIDENTIAL DISTRICT, AND THE KEEPING OF CHICKENS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Incidental Uses.

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

1. Accessory Uses and Buildings.

a. General Requirements. Accessory uses and buildings shall comply with the following standards and all other applicable regulations of this chapter:

1. The accessory use or building shall be incidental and customarily associated with the principal use or structure.

2. Except for accessory buildings for one and two-family residential uses constructed in accordance with the provisions of Section 14-03-06(1)(b), the accessory use or building shall be subordinate in area, extent, and purpose to the principal use or building served.

3. The accessory use or building shall contribute to the comfort, convenience and necessity

of the occupants of the principal use or building served.

4. The accessory use or building shall be located on the same zoning lot as the principal use or building.

5. The accessory use or building shall not be injurious to the use and enjoyment of surrounding properties.

6. No accessory building shall be located within any recorded public easement or over any known public utility.

b. One and two-family residential accessory uses and buildings.

1. Accessory uses and buildings commonly associated with residential uses include recreational activities, raising of pets, hobbies and parking of occupants' vehicles.

2. Customary domestic pets are allowed in accordance with the provisions of Title 3 of the Bismarck Code of Ordinances, but not including horses, poultry or agricultural livestock except as allowed in Sections 14-04-01, 14-04-0201.1 or 14-04-17 of this ordinance. No more than three (3) dogs or cats, four months of age or older are allowed.

3. Private swimming pools are allowed in accordance with the provisions of Chapter 4-06 of the City Code of Ordinances.

4. All allowable accessory buildings for a one or two-family residence in an urban residential zoning district (R5, R10, RM, RMH & RT) shall be limited to a maximum area of twelve hundred (1,200) square feet, a maximum wall height of twelve (12) feet and a maximum building height of twenty-five (25) feet.

Accessory buildings for the above computations shall include the following buildings: barns, stables, coops, storage buildings, and detached garages.

Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

5. All allowable accessory buildings for a single-family rural residence in a rural residential zoning district (RR & RR5) shall be limited to a maximum area of fourteen hundred (1,400) square feet for lots of 40,000 square feet or less; to a maximum area of eighteen hundred (1,800) square feet for lots between 40,000 square feet and 64,999 square feet; to a maximum area of twenty-four hundred (2,400) square feet for lots over 65,000 square feet, except as provided for herein. The maximum wall height shall be limited to fourteen (14) feet and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with 40,000 to 64,999 square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

Accessory buildings for the above computations shall include the following buildings: barns, stables, **coops**, storage buildings, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling

portion of the principal structure to which it is attached.

* * * * *

Section 2. Amendment. Section 14-04-01 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to zoning district regulations for the RR Residential District.

14-04-01. RR Residential District. In any RR residential district, the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted.

a. Single-family dwellings.

b. Education group.

c. Public recreational group.

d. Private riding stables in areas outside of the corporate limits, provided that animals shall be used for private use only; that no animal, animal stable, barn or shelter shall be located within one hundred (100) feet of any neighboring residence or structure; that two (2) horses shall be permitted on any premises which contains at least two (2) acres and additional horses shall be allowed at the rate of one horse for every additional three (3) acres of property owned. For the purposes of this ordinance the definition of a horse will be only those horses that are one calendar year of age or older and a miniature horse shall be defined as a horse less than 50 inches high measured at the withers. For the purpose of calculating the number of horses allowed under this section, a miniature horse shall be deemed to be the equivalent of .66 of a horse.

e. Chicken Hens and Coops in areas outside of the corporate limits, provided that the animals are kept for private use only; that no male chickens (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setbacks and size limitations for allowable accessory structures and are not located less than one hundred and fifty (150) feet of any

neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.

f. Animal husbandry activity or project in areas outside of the corporate limits, conducted primarily for educational purposes or school credits, provided such activities are not conducted for commercial purposes and the premises are maintained in a sanitary manner.

eg. Family foster home for adults.

gh. Family child care.

* * * * *

10. Accessory Buildings. All allowable accessory buildings for a single-family residence shall be limited to a maximum of fourteen hundred (1,400) square feet for lots of 40,000 square feet or less; to a maximum of eighteen hundred (1,800) square feet for lots between 40,000 square feet and 64,999 square feet; and to a maximum of twenty-four hundred (2,400) square feet for lots over 65,000 square feet, except as provided herein. The maximum wall height shall be limited to fourteen (14) feet and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot with 40,000 to 64,999 square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

Accessory buildings for the above computations shall include the following buildings: barns, stables, coops, storage buildings, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

Section 3. Amendment. Section 14-04-01.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to zoning district regulations for the RR5 Residential District.

14-04-01.1. RR5 Residential District. In any RR5 residential district, the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted.

a. Single-family dwellings.

b. Education group.

c. Public recreational group.

d. Private riding stables in areas outside of the corporate limits, provided that animals shall be used for private use only; that no animal, animal stable, barn or shelter shall be located within one hundred (100) feet of any neighboring residence or structure; that three (3) horses shall be permitted on any premises which contains at least five (5) acres and additional horses shall be allowed at the rate of one (1) horse for every additional three (3) acres of property owned. For the purposes of this ordinance the definition of a horse will be only those horses that are one calendar year of age or older and a miniature horse shall be defined as a horse less than 50 inches high measured at the withers. For the purpose of calculating the number of horses allowed under this section, a miniature horse shall be deemed to be the equivalent of .66 of a horse.

e. Chicken Hens and Coops in areas outside of the corporate limits, provided that the animals are kept for private use only; that no male chickens (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setbacks and size limitations for allowable accessory structures and are not located less than one hundred and fifty (150) feet of any neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.

f. Animal husbandry activity or project in areas outside of the corporate limits, conducted primarily for educational purposes or school credits, provided such activities are not conducted for commercial purposes and the premises are maintained in a sanitary manner.

eg. Family foster home for adults.

gh. Family child care.

* * * * *

11. Accessory Buildings. All allowable accessory buildings for a single-family rural residence shall be limited to a maximum of thirty-two hundred (3,200) square feet. The maximum wall height shall be limited to fourteen (14) feet and the maximum building height shall be limited to twenty-five (25) feet.

Accessory buildings for the above computations shall include the following buildings: barns, stables, coops, storage buildings and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect following final passage, adoption and publication.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 13

July 26, 2017

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2017-006

Project Summary

Title:	Special Uses, RT Residential District and Drive-in/Drive-through Facilities for Banks
Status:	Planning & Zoning Commission – Public Hearing
Project Contact:	Kim L. Lee, AICP, Planning Manager
Sections Amended:	Section 14-03-08 (Special Uses) and 14-04-08 (RT – Residential District)
Request:	Amend the Zoning Ordinance to allow drive-in/drive-through facilities for banks in the RT – Residential zoning district if located adjacent to an arterial roadway.

Staff Analysis

There are several areas within the community that are zoned RT – Residential and located adjacent to an arterial roadway. Banks are currently allowed as a permitted use within the RT – Residential zoning district, but a drive-in/drive-through facility for a bank is not allowed in that zoning district. As most, if not all, banks have a need for drive-in/drive-through facilities, it seems reasonable to allow such facilities in locations adjacent to arterial roadways. Also, with the advent of on-line banking, the presence of a drive-in/drive-through facility for a bank is expected to have less traffic than in the past and would have less impact on adjacent uses, especially if they are only allowed adjacent to an arterial roadway.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance

was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment for Section 14-03-08 (Special Uses) and Section 14-04-08 (RT – Residential District) of the City Code of Ordinances, as attached in the draft ordinance.

Attachments

1. Draft zoning ordinance text amendment

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-08 AND 14-04-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES, THE RT RESIDENTIAL DISTRICT AND DRIVE-IN/DRIVE-THROUGH FACILITIES FOR BANKS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-10 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses.

* * * * *

4. Permanent uses (planning and zoning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

g. Drive-in/drive-through retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in/drive-through facility, including, but not limited to drive-in/drive-through restaurants, banks or other drive-in/drive-through facilities, exclusive of theatres, ~~may be permitted~~ in a CG, MA or HM district; ~~drive-in/drive-through facilities for banks and drive-in/drive-through windows for pharmacies as an ancillary use to a medical office/clinic only may also be permitted~~ in a CA district); ~~and drive-in/drive-through facilities for banks only in the RT district, only when~~

located adjacent to an arterial roadway, may be permitted as a special use provided:

1. The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located.

2. Access to and egress from a drive-in/drive-through establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets.

3. Adequate off-street parking shall be provided in conformance with section 14 03 10 of this ordinance. In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14 03 10 of this ordinance, in addition to all common ingress and egress areas provided.

4. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local street.

5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer.

6. On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines.

* * * * *

Section 1. Amendment. Section 14-04-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RT Residential District is hereby amended and re-enacted to read as follows:

14-04-08. RT Residential District. In any RT residential district the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted.

a. A single or two-family living unit when used in conjunction with a commercial use.

b. Multifamily dwelling.

c. Group dwelling.

d. Education group.

e. Health and medical group.

f. Public recreation group.

g. Office-bank group.

h. Row houses. Attached single-family dwelling in groups of not more than eight (8) nor less than three (3) dwelling units in one building, or in groups of not more than eight (8) or less than two (2) dwelling units when constructed as part of an overall row house development with at least three (3) buildings.

1) Density. The maximum allowable density is sixteen (16) families per net acre.

2) Lot area.

a) Lot and yard requirement regulations for row house use. Each attached single-family dwelling hereafter erected shall conform to the following minimums:

	Interior	Interior End	Street Corners
Lot area in square feet	2,300	3,220	3,795
Lot width of front building line in feet	20	28	33
Depth of lot in feet	115	115	115
Depth of front yard in feet	25	25	25
Width of side yard in feet		10	25
Depth of rear yard in feet	20	20	20

3) Height regulations. The maximum height of any principal building shall be forty (40) feet.

4) Safety provision. Row houses shall have wall separations between each dwelling unit of at least a two hour fire rated wall which shall extend from the footing to and through the roof at least thirty (30) inches except as may be allowed by Chapter 5 of the city building code pertaining to area separation walls.

5) Access to rear yards. The required rear yard to each row dwelling shall have an unobstructed access to a public walkway at least four (4) feet wide extending to an alley or street.

6) Off street parking. Off street parking spaces shall be provided for each dwelling unit as provided under Section 14 03 10 of this ordinance.

i. Beauty shop, barber shop.

j. Ancillary retail sales of material products directly related to the primary business such as hair care products being sold at a beauty shop or barber shop. Such product display areas shall not occupy more than 25% (twenty-five percent) of the gross floor area of the primary business.

The following special uses are permitted as per Section 14 03 08 hereof:

a. Religious institution.

- b. Child care center.
- c. Mortuary/funeral homes.

d. Drive-in/drive-through facilities for a bank,
only if located adjacent to an arterial roadway.

* * * * *

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
June 28, 2017

The Bismarck Planning & Zoning Commission met on June 28, 2017, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Susan Axvig, Mike Donahue, Vernon Laning, Doug Lee, Gabe Schell, Mike Schwartz, Mike Seminary, Lisa Waldoch and Wayne Yeager.

Commissioners Brian Bitner and Mike Donahue were absent.

Staff members present were Carl Hokenstad – Director of Community Development, Kim Lee – Planning Manager, Will Hutchings – Planner, Jenny Wollmuth – Planner, Daniel Nairn – Planner, Brady Blaskowski – Building Official, Andrew Stromme- Planning Intern, Hilary Balzum – Community Development Administrative Assistant, Charlie Whitman – City Attorney and Jason Hammes – Assistant City Attorney.

MINUTES

Chairman Yeager called for consideration of the minutes of the May 24, 2017 meeting.

Commissioner Atkinson pointed out that there is a line needing to be removed that states ‘there being no comments, Chairman Yeager closed the public hearing’ followed by a series of public comments.

MOTION: Commissioner Schwartz made a motion to approve the minutes of the May 24, 2017 meeting, with the suggested correction. Commissioner Lee seconded the motion and it was unanimously approved with Commissioners Atkinson, Axvig, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. TRACT 205 OF SECTION 2, T138N-R80W/CITY LANDS – ZONING CHANGE**
- B. LOTS 1-6, BLOCK 81 AND ALL OF BLOCK 88 AND ALL OF THE VACATED AVENUE F ADJACENT TO BLOCKS 81 AND 88, MONSON’S SUBDIVISION AND LOTS 9-24, BLOCK 81, MCKENZIE AND COFFIN’S ADDITION (ST. MARY’S CENTRAL HIGH SCHOOL PROPERTY) – ZONING CHANGE**
- C. LOT 6, BLOCK 3, SLEEPY HOLLOW HEIGHTS 2ND ADDITION AND LOT 9, BLOCK 4, SLEEPY HOLLOW HEIGHTS 5TH ADDITION, AND LOT 1, BLOCK 1, SLEEPY HOLLOW HEIGHTS 2ND ADDITION AND LOT 8 AND**

**AUDITOR'S LOT A OF LOT 10, BLOCK 4, SLEEPY HOLLOW HEIGHTS
5TH ADDITION – ZONING CHANGE**

**D. LOT 2, BLOCK 2, WACHTER'S 17TH ADDITION AND LOT 1, BLOCK 1,
WACHTER'S 18TH ADDITION – ZONING CHANGE**

**E. SECTIONS 14-03-06 (INCIDENTAL USES), 14-04-01 (RR RESIDENTIAL
DISTRICT) AND 14.04-01.1 (RR5 RESIDENTIAL DISTRICT) RELATING
TO THE KEEPING OF CHICKENS – ZONING ORDINANCE TEXT
AMENDMENT**

**F. SECTIONS 14-03-08 (SPECIAL USES) AND 14-04-08 (RT RESIDENTIAL
DISTRICT) RELATING TO DRIVE-IN/DRIVE-THROUGH RETAIL OR
SERVICE ESTABLISHMENTS – ZONING ORDINANCE TEXT
AMENDMENT**

Chairman Yeager called for consideration of the following consent agenda items:

- A. Tract 205 of Section 2, T138N-R80W/City Lands – Zoning Change
- B. Lots 1-6, Block 81 and all of Block 88 and all of the vacated Avenue F adjacent to Blocks 81 and 88, Monson's Subdivision and Lots 9-24, Block 81, McKenzie and Coffin's Addition (St. Mary's Central High School Property) – Zoning Change
- C. Lot 6, Block 3, Sleepy Hollow Heights 2nd Addition and Lot 9, Block 4, Sleepy Hollow Heights 5th Addition, and Lot 1, Block 1, Sleepy Hollow Heights 2nd Addition and Lot 8 and Auditor's Lot A of Lot 10, Block 4, Sleepy Hollow Heights 5th Addition – Zoning Change
- D. Lot 2, Block 2, Wachter's 17th Addition and Lot 1, Block 1, Wachter's 18th Addition – Zoning Change
- E. Sections 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District) and 14.04-01.1 (RR5 Residential District) Relating to the Keeping of Chickens – Zoning Ordinance Text Amendment
- F. Sections 14-03-08 (Special Uses) and 14-04-08 (RT Residential District) Relating to Drive-in/Drive-through Retail or Service Establishments – Zoning Ordinance Text Amendment

MOTION: Based on the findings contained in the staff reports, Commissioner Lee made a motion to approve consent agenda items A, B, C, D, E and F, calling for public hearings on the items as recommended by staff. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Axvig, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
TRILLIUM THIRD ADDITION FIRST REPLAT**

Chairman Yeager called for a public hearing on the minor subdivision final plat for Trillium Third Addition First Replat. The proposed plat is three lots in one block on 10.96 acres and is located in southeast Bismarck, in the southeast quadrant of the intersection of Rock Island

Place and Burlington Drive (a replat of Lot 1 & Lot 2A of Lot 2, Block 2, Trillium Third Addition).

Commissioner Laning asked if Lot 1 and Lot 2 will be combined and redeveloped when the plat is approved. Ms. Wollmuth said the proposed plat is a replat of a single parcel and this plat would create three new lots.

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The stormwater management plan for the subdivision has been approved by the City Engineer.
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the minor subdivision final plat of Trillium Third Addition First Replat.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the minor subdivision final plat of Trillium Third Addition First Replat. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Axvig, Donahue, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT TRENTON 2ND ADDITION

Chairman Yeager called for a public hearing on the minor subdivision final plat for Trenton 2nd Addition. The proposed plat is 10 lots in one block on 10.96 acres and is located in northeast Bismarck, north of Interstate 94 and west of Centennial Road, along the north side of Trenton Drive and the west side of Cumberland Loop (a replat of Lots 29-40, Block 2, Trenton Addition).

Mr. Hutchings gave an overview of the request, including the following findings related to land use:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The stormwater management plan for the subdivision has been approved by the City Engineer.
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the minor subdivision final plat of Trenton 2nd Addition.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the minor subdivision final plat of Trenton 2nd Addition. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Axvig, Donahue, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE LOT 7, BLOCK 11, NORTHERN PACIFIC ADDITION

Chairman Yeager called for a public hearing on a zoning change from the PUD-Planned Unit Development zoning district to the RT-Residential zoning district for Lot 7, Block 11, Northern Pacific Addition. The property is located in central Bismarck, along the east side of North 3rd Street between East Avenue A and East Avenue B (613 North 3rd Street).

Ms. Lee gave an overview of the request, including the following findings related to land use:

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.

3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on the findings contained in the staff report, staff recommends approval of the zoning change from the PUD – Planned Unit Development zoning district to the Conditional RT – Residential zoning district for Lot 7, Block 11, Northern Pacific Addition.

Commissioner Seminary said there is a lot of history in this part of the City and asked Commissioner Atkinson who in his family was either the City Auditor or the City Engineer in 1915 when this neighborhood was platted. Commissioner Atkinson replied his great-grandfather T.R. Atkinson was the City Engineer at that time, so he is the one who signed off on the plat. He added his son owns property in that neighborhood as well.

Chairman Yeager opened the public hearing.

Commissioner Schell asked how the parking provided compares to what was required previously and what will be required if it becomes an educational use. Ms. Lee said the parking requirement would be less than what is needed for a child care center and there would actually be more parking provided than required at this location. She said there are two entrances to the parking area as well, one for ingress and one for egress.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Schwartz made a motion to recommend approval of the zoning change from the PUD – Planned Unit Development zoning district to the RT – Residential zoning district for Lot 7, Block 11, Northern Pacific Addition. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Laning, Lee, Schwartz, Schell, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (ACCESSORY BUILDING)
LOT 1, BLOCK 1, BLUESTEM HILLS SUBDIVISION**

Chairman Yeager called for the public hearing on a request for a special use permit to increase the maximum area of accessory buildings to 3,200 square feet on Lot 1, Block 1, Bluestem Hills Subdivision. The property is located northeast of Bismarck, north of 57th Avenue NE along the east side of 52nd Street NE.

Mr. Hutchings gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is compatible with adjacent land uses and zoning.
3. The Gibbs Township Board of Supervisors has not yet provided a recommendation for the proposed special use.
4. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
5. Adequate public facilities and services are in place or would be provided at the time of development.
6. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
7. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
8. The proposed special use permit is consistent with the master plan, other adopted plans, policies and accepted planning practice
9. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the special use permit to increase the maximum area of accessory buildings to 3,200 square feet for Lot 1, Block 1, Bluestem Hills Subdivision with the following condition:

1. The maximum square foot of all accessory structures on the parcel shall not exceed 3,200 square feet upon completion of the new accessory structure.

Mr. Hutchings stated that there is currently an existing 540 square foot accessory structure on this parcel. He said that in order to stay below the 3,200 total square footage allowed with approval of this special use permit, the applicant intends reduce the current size of the existing accessory building by 328 square feet upon completion of the new proposed accessory building.

Commissioner Seminary said staff finding #3 says Gibbs Township has not provided a recommendation on this request and asked what the history of recommendations for similar requests has been.

Ms. Lee said the process for the last couple of years has been to notify townships of all requests, not just subdivisions, and that a supportive recommendation from the township is not mandatory. She said to her knowledge there has not been any objections to this particular request.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the special use permit to increase the maximum area of accessory buildings to 3,200 square feet for Lot 1, Block 1, Bluestem Hills Subdivision, with the following condition: 1. The maximum square foot of all accessory structures on the parcel shall not exceed 3,200 square feet upon completion of the new accessory structure. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (CHILD CARE CENTER)
LOT 1, BLOCK 5, AND THE EAST 40 FEET OF THE VACATED 11TH STREET
ADJACENT TO LOT 1, CENTURY COMMERCIAL PARK AND LOT 4, BLOCK 1,
MENARDS ADDITION AND LESS THAT PART TAKEN FOR STREET RIGHT-
OF-WAY**

Chairman Yeager called for a public hearing on a request for a special use permit to allow the operation of a child care center on Lot 1, Block 5, and the East 40 feet of the vacated 11th Street adjacent to Lot 1, Century Commercial Park and Lot 4, Block 1, Menards Addition and less that part taken for street right-of-way. The property is located in north Bismarck, north of East Century Avenue and west of State Street, along the north side of Weiss Avenue.

Mr. Hutchings gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

2. The proposed special use is compatible with adjacent land uses and zoning.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the special use permit for a child care center to be located on Lot 1 and the East 40 feet of the vacated 11th Street adjacent, Block 5, Century Commercial Park and Lot 4, Block 1, Menards Addition and less that part taken for street right-of-way with the following condition:

1. The development of the site must generally conform to the site plan submitted with the application.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the special use permit for a child care center to be located on Lot 1 and the East 40 feet of the vacated 11th Street adjacent, Block 5, Century Commercial Park and Lot 4, Block 1, Menards Addition and less that part taken for street right-of-way with the following condition: 1. The development of the site must generally conform to the site plan submitted with the application. Commissioner Laning seconded the motion and the request was unanimously approved Commissioners Atkinson, Axvig, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT OFF-STREET PARKING AND LOADING/OFF-STREET PARKING

Chairman Yeager called for the public hearing on a zoning ordinance text amendment relating to Off-Street Parking and Loading/Off-Street Parking.

Ms. Lee explained that the proposed amendment would modify the off-street parking requirements for service businesses with fifty (50) percent or more of the gross floor area devoted to storage, warehouse and/or industry use, including those facilities commonly referred to as shop condos.

Ms. Lee said the City's off-street parking and loading provisions were modified in March, 2016 and that at that time, a table was created in the ordinance identifying uses and the required number of off-street parking spaces for each identified use. She said it was recently brought to staff's attention that the wording of the provisions for certain types of industrial uses, specifically shop condos, would require far more off-street parking spaces for multi-tenant shop condos than was intended. She added that the proposed amendment to this section would rectify the issue and bring the requirements for multi-tenant shop condos in line with the requirements for similar facilities with only one tenant. Ms. Lee then said that language was also added to clarify that required off-street parking spaces for industrial uses may not be located in front of overhead doors unless they are used solely for the parking of company-owned vehicles.

Ms. Lee then gave the following findings:

1. The proposed text amendment would not adversely affect the public health, safety or general welfare.
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance.
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said based on the findings in the staff report, staff recommends approval of the zoning ordinance text amendment for Section 14-03-10(3) of the City Code of Ordinances (Off-street Parking and Loading/Off-street Parking), as presented.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to recommend approval of the zoning ordinance text amendment for Section 14-03-10(3) of the City Code of Ordinances (Off-street Parking and Loading/Off-street Parking), as presented. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT TITLE 14.1 (STORMWATER MANAGEMENT)

Chairman Yeager called for a public hearing on a zoning ordinance text amendment relating to Stormwater Management.

Ms. Lee explained that the proposed amendment would revise Title 14.1 of the City Code of Ordinances (Stormwater Management), in conjunction with the adoption of an updated Storm Water Design Standards Manual (SWDSM).

Ms. Lee explained that the City of Bismarck has undertaken a project to revise the City's Stormwater Design Standards Manual and that, in conjunction with this effort, revisions to Title 14.1 of the City Code of Ordinances (Stormwater Management) are needed so that the two documents continue to work together. She said it is anticipated that both documents would be adopted in 2017, with an effective date of January 1, 2018 and any project in process on January 1, 2018 could continue under the existing rules if desired by the applicant. Ms. Lee added that seven public input meetings were held with consulting engineers and multiple meetings with other interested parties as the new Stormwater Design Standards Manual was being developed.

Commissioner Schell said the current ordinance includes technical requirements and we intend the SWDSM to have the technical information and the ordinance have the framework for approval.

Ms. Lee then gave the following findings:

1. The proposed text amendment would not adversely affect the public health, safety or general welfare.
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance.
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said, based on the findings in the staff report, staff recommends approval of the zoning ordinance text amendment for Title 14.1 of the City Code of Ordinances (Stormwater Management), as presented.

Commissioner Seminary asked if the input meetings were generally well received. Commissioner Schell said yes, that general approval of the technical suggestions, such as defining what a “minor rain event” is, was given and feels the manual will be helpful to those who use it.

Commissioner Seminary said time has lapsed since the original plan was completed as the City is moving forward at a rapid pace, these plans need to be addressed publicly so they are proven to be relevant. He then asked if there will be new fees involved with development going forward.

Commissioner Schell said that is to be discussed with the Budget Committee but there is a framework for a new fee schedule. He said there has been instances where permits stay open for extended periods of time with no additional fees for ongoing inspections, so that will need to change as well.

Ms. Lee said the amendment will be forwarded to the City Commission for approval as well and developers and their engineers can start using it right away, but the new standards and processes will not be mandatory until January 1, 2018.

Chairman Yeager said a flow chart to detail anticipated timelines and matrixes would be helpful for non-engineers. Ms. Lee said a workflow was proposed and a side-by-side comparison was prepared to show the time expected to get a plan approved.

Commissioner Schell said there are other graphics included in the SWDSM that show the estimated and average review times as well. He said most of the input provided by the public related to the desire for a defined schedule.

Chairman Yeager said many times a drawn out process is the result of something very small being missed during the original submittal of the request.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to recommend approval of the zoning ordinance text amendment for Title 14.1 of the City Code of Ordinances (Stormwater Management), as presented. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

OTHER BUSINESS

Commissioner Seminary said the life of Myron Atkinson was celebrated this last week. He said the Atkinson family has a long, deep history in Bismarck and they are owed a lot for being all in, all of the time. He said Mr. Atkinson lives on through his family and stated his condolences to Commissioner Atkinson during his time of loss.

Commissioner Atkinson extended his thanks from his whole family for all of the kind words and messages of support. He said his father was an extraordinary man who lived an extraordinary life.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:47 p.m. to meet again on July 26, 2017.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Yeager
Chairman

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 6/2017

*****City*****

*****ETA*****

	6/2017		6/2016		6/2017		6/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	24	\$4,859,381.16	28	\$6,548,852.48	10	\$2,466,192.08	4	\$1,496,043.50
ROWHOUSE (2) 1-HR FIRE SEPARATION	24	\$4,173,400.00	15	\$2,557,426.00	0	\$0.00	0	\$0.00
FIVE OR MORE FAMILY	0	\$0.00	1	\$4,286,000.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	10	\$0.00	12	\$0.00	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	0	\$0.00	1	\$2,912,735.00	0	\$0.00	0	\$0.00
RETAIL SALES	0	\$0.00	1	\$1,200,000.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	6	\$101,550.38	2	\$191,674.50	2	\$167,656.00	3	\$80,454.00
RESIDENTIAL GARAGES	16	\$168,225.00	9	\$78,365.00	17	\$431,408.00	8	\$138,968.00
DECKS PORCHES & COVERED PATIOS	38	\$111,910.00	37	\$133,324.77	4	\$19,147.50	3	\$16,020.00
SWIMMING POOLS & SPAS	5	\$307,420.85	3	\$238,926.00	1	\$150,000.00	1	\$46,309.00
OTHER	7	\$116,275.00	4	\$20,300.00	3	\$119,600.00	1	\$3,500.00
STORAGE SHEDS	4	\$11,040.00	6	\$18,720.00	1	\$3,600.00	0	\$0.00
BASEMENT FINISH	12	\$63,781.25	14	\$61,892.50	2	\$5,937.50	2	\$10,754.00
COMMERCIAL BUILDINGS	14	\$4,788,672.00	20	\$4,601,382.00	0	\$0.00	0	\$0.00
RESIDENTIAL	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	11	\$0.00	11	\$0.00
MISC TEMPORARY STRUCTURES	3	\$0.00	8	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	7	\$265,950.00	7	\$41,124.83	0	\$0.00	0	\$0.00
SIGN ALTERATION	2	\$47,500.00	1	\$35,000.00	0	\$0.00	0	\$0.00
Total	173	\$15,015,105.64	170	\$22,925,723.08	51	\$3,363,541.08	33	\$1,792,048.50

PERMIT ACTIVITY REPORT - MTD
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	6/2017		6/2016		6/2017		6/2016	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	136	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC ALTERATION	0	\$0.00	41	\$555,806.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	0	\$0.00	39	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	1	\$0.00	38	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL MOBILE HOME	6	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	0	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL POOL	0	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	143	\$1,425,108.07	0	\$0.00	17	\$105,798.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	0	\$0.00	12	\$135,830.00	0	\$0.00	1	\$300.00
BUILDING MECHANICAL FIREPLACE	0	\$0.00	5	\$12,770.00	0	\$0.00	1	\$4,000.00
BUILDING MECHANICAL HVAC APPLIANCE	0	\$0.00	40	\$165,083.00	0	\$0.00	1	\$2,242.00
BUILDING MECHANICAL NEW CONSTRUCTION	0	\$0.00	42	\$1,768,564.55	0	\$0.00	6	\$89,925.00
BUILDING MECHANICAL OTHER	0	\$0.00	1	\$2,000.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL WATER HEATER	0	\$0.00	25	\$31,827.33	0	\$0.00	1	\$850.00
BUILDING PLUMBING	51	\$1,865,021.00	56	\$719,521.00	11	\$100,195.00	13	\$31,900.00
BUILDING SEPTIC	1	\$12,900.00	0	\$0.00	5	\$0.00	6	\$0.00
Total	338	\$3,303,029.07	309	\$3,391,401.88	33	\$205,993.00	29	\$129,217.00

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	*****City*****		*****ETA*****	
	6/2017	6/2016	6/2017	6/2016
Living Units	Units	Units	Units	Units
FIVE OR MORE FAMILY	0	30	0	0
MANUFACTURED HOMES	10	12	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	24	14	0	0
SINGLE FAMILY DETACHED	24	28	10	4
Total	58	84	10	4

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	6/2017		6/2016		6/2017		6/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	95	\$18,772,746.34	112	\$23,124,179.73	21	\$5,252,236.58	16	\$4,326,877.75
ROWHOUSE (2) 1-HR FIRE SEPARATION	42	\$7,386,031.00	93	\$13,711,428.25	0	\$0.00	0	\$0.00
ROWHOUSE	0	\$0.00	6	\$576,000.00	0	\$0.00	0	\$0.00
2-UNIT DUPLEX OR CONDO	0	\$0.00	6	\$1,050,342.00	0	\$0.00	0	\$0.00
FIVE OR MORE FAMILY	0	\$0.00	1	\$4,286,000.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	25	\$0.00	26	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME EXTRAS	0	\$0.00	1	\$1,800.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	2	\$0.00	4	\$110,000.00	0	\$0.00	0	\$0.00
AMUSEMENT & RECREATION	0	\$0.00	1	\$125,750.00	0	\$0.00	0	\$0.00
CHURCHES & RELIGIOUS	0	\$0.00	1	\$99,622.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	1	\$2,500,000.00	15	\$17,000.00	0	\$0.00	0	\$0.00
HOSPITALS & INSTITUTIONAL	0	\$0.00	4	\$155,000.00	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	1	\$70,565.00	5	\$3,280,139.00	0	\$0.00	0	\$0.00
SCHOOLS & EDUCATIONAL	1	\$6,847,730.00	2	\$3,265,847.00	0	\$0.00	1	\$18,000,000.00
RETAIL SALES	1	\$55,000.00	5	\$2,488,600.00	0	\$0.00	0	\$0.00
OTHER NEW	3	\$3,077,983.00	1	\$175,000.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	12	\$260,217.38	16	\$705,001.25	10	\$687,736.00	11	\$300,719.50
RESIDENTIAL GARAGES	46	\$420,096.00	36	\$476,150.02	45	\$963,896.00	39	\$814,722.00
DECKS PORCHES & COVERED PATIOS	101	\$306,300.00	119	\$433,126.02	16	\$72,892.50	12	\$53,115.00
SWIMMING POOLS & SPAS	5	\$307,420.85	5	\$353,056.70	4	\$342,331.00	3	\$166,618.00
OTHER	38	\$932,333.00	38	\$1,107,894.48	8	\$425,210.08	6	\$174,600.00
HOME OCCUPATION	6	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00

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	6/2017		6/2016		6/2017		6/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
STORAGE SHEDS	10	\$28,440.00	14	\$45,005.00	3	\$8,772.00	4	\$53,280.00
BASEMENT FINISH	82	\$376,064.75	97	\$470,488.50	20	\$139,756.50	26	\$154,259.10
COMMERCIAL BUILDINGS	96	\$53,178,569.38	104	\$12,140,537.00	1	\$1,482,274.00	10	\$730,000.00
OFFICE BUILDINGS	0	\$0.00	1	\$7,500.00	0	\$0.00	0	\$0.00
PUBLIC BUILDING	1	\$350,000.00	0	\$0.00	0	\$0.00	0	\$0.00
MULTI-FAMILY TO SINGLE-FAMILY	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL	3	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	5	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	11	\$0.00	13	\$0.00
NURSERY STOCK SALES	4	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	5	\$0.00	13	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	48	\$507,168.86	61	\$486,310.84	0	\$0.00	0	\$0.00
SIGN ALTERATION	2	\$47,500.00	11	\$128,349.04	0	\$0.00	0	\$0.00
Total	635	\$95,424,165.56	807	\$68,820,126.83	139	\$9,375,104.66	141	\$24,774,191.35

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	6/2017		6/2016		6/2017		6/2016	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	516	\$2,600.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC ALTERATION	0	\$0.00	392	\$616,651.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	0	\$0.00	187	\$7,000.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	1	\$0.00	110	\$35.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	0	\$0.00	15	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ELEVATOR	0	\$0.00	15	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	0	\$0.00	15	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	0	\$0.00	80	\$259,970.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL POOL	0	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL SIGN	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	722	\$7,723,767.48	0	\$0.00	82	\$633,650.13	0	\$0.00
BUILDING MECHANICAL ALTERATION	0	\$0.00	71	\$746,962.00	0	\$0.00	8	\$29,508.00
BUILDING MECHANICAL FIREPLACE	0	\$0.00	67	\$224,292.00	0	\$0.00	12	\$46,500.00
BUILDING MECHANICAL HVAC APPLIANCE	0	\$0.00	176	\$1,173,797.20	0	\$0.00	15	\$134,546.00
BUILDING MECHANICAL NEW CONSTRUCTION	0	\$0.00	252	\$10,277,521.55	0	\$0.00	37	\$1,206,805.00
BUILDING MECHANICAL OTHER	0	\$0.00	2	\$2,453.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL WATER HEATER	0	\$0.00	168	\$240,512.40	0	\$0.00	13	\$21,984.00
BUILDING PLUMBING	196	\$6,432,761.00	284	\$7,618,494.53	23	\$193,570.00	32	\$228,858.00
BUILDING SEPTIC	1	\$12,900.00	0	\$0.00	6	\$0.00	15	\$0.00
BUILDING SEPTIC EVALUATION	0	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
Total	1436	\$14,172,028.48	1840	\$21,167,688.68	111	\$827,220.13	133	\$1,668,201.00

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	6/2017	6/2016	6/2017	6/2016
Living Units	Units	Units	Units	Units
OTHER NEW	0	0	0	0
FIVE OR MORE FAMILY	0	30	0	0
OTHER NEW	0	0	0	0
ROWHOUSE	0	6	0	0
MANUFACTURED HOMES	25	24	0	0
2-UNIT DUPLEX OR CONDO	0	12	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	42	92	0	0
SINGLE FAMILY DETACHED	95	112	21	16
Total	162	276	21	16